

2

MUR No. 6129

## COMPLAINT

### Complainants

3. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws through its website, press releases and other methods of distribution. CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing

campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

4. In order to assess whether an individual, candidate, political committee or other entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports political committees must file pursuant to the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1, and in independent expenditure and electioneering communications disclosure reports that must be filed pursuant to the FECA, 2 U.S.C. § 434(c), (f); 11 C.F.R. §§ 104.20(b), 109.10(b)-(d). CREW is hindered in its programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports required by the FECA.

5. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated disclosure reports are the only source of information CREW can use to determine if an individual, candidate, political committee or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

6. Complainant Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States, and a registered voter and resident of the District of Columbia. As a registered voter, Ms. Sloan is entitled to receive information contained in disclosure reports required by the FECA, 2 U.S.C. §§ 434(a)(2), 434(c), 434(f); 11 C.F.R. §§

104.1, 104.20(b), 109.10(b)-(d). Ms. Sloan is harmed when an individual, candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. See *FEC v. Akins*, 524 U.S. 11, 19 (1998), quoting *Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Ms. Sloan is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting its ability to review campaign finance information.

Respondent

7. Checks and Balances for Economic Growth ("CBEG") is a tax-exempt organization established in 2002, organized under section 501(c)(4) of the Internal Revenue Code, and based in Washington, D.C. CBEG's contact information is as follows:

Checks and Balances for Economic Growth  
1747 Pennsylvania Ave., NW  
Suite 1000  
Washington, D.C. 20006  
(202) 271-3959

8. Dan Perrin is the president of CBEG and a director of the organization.

Factual allegations

9. In October 2012, CBEG broadcast two television advertisements in Ohio attacking President Obama and Sen. Sherrod Brown (D-OH). The advertisements are included on the disc attached as Exhibit A, and are available at

<http://www.youtube.com/channel/UCr8VvfmIAleontsSJtc72-w?feature=watch>.

10. The first advertisement is titled "Why Would You Lie?" It begins with a photograph of President Obama and the words "Absolute Lies" on screen. The narrator then says: "Absolute

Lies. That's what these coal miners had to say about Barack Obama's claim that they were forced to attend a campaign rally for Mitt Romney." The ad then shows video of a coal miner at a press conference saying: "There is a war on coal . . . and we do want to protect our jobs." Next, the ad shows photographs of Mitt Romney at a campaign rally at the Murray Energy Corporation's Century Mine in Bealsville, Ohio, while the narrator says: "In a letter, the miners make it clear no one was forced to attend the rally, no attendance records were taken, and there were no penalties for not attending." The ad concludes by showing more video of the miner at the press conference, saying: "Why would you lie about the 500 working miners who have signed this letter?" At the end of the advertisement appears a written disclaimer: "Paid for by Checks and Balances for Economic Growth."

11. The second advertisement is titled "The War On Coal: Sherrod Brown v. Ohio Coal Miners." It begins with video of Sen. Brown from an October 15, 2012 debate with his Republican opponent, Ohio State Treasurer Josh Mandel, saying: "There is no war on coal. Period." A narrator then says, "Sherrod Brown is lying" as the words "Sherrod Brown is not telling the truth" appear on screen. The advertisement then shows video of the coal miner at a press conference used in the first advertisement, this time saying, "There is a war on coal . . . and we do want to protect our jobs. . . . President Obama and those like Sherrod Brown . . . are job killers." The narrator then asserts: "Coal production is down 33 percent nationwide. Thousands are out of work. And incremental electricity costs are up 800 percent." Next, the ad shows a photograph of Sen. Brown while the narrator says: "And Sherrod Brown votes with Obama 95 percent of the time." The ad then again shows the video of the coal miner at a press conference saying, "There is a war on coal . . . and we do want to protect our jobs. . . . President Obama and those like Sherrod Brown . . . are job killers." During the last

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sentence, the ad again shows a photograph of Sen. Brown and the words "Stop The War On Coal" on screen. At the end of the advertisement appears a written disclaimer: "Paid for by Checks and Balances for Economic Growth."

12. CBEG spent at least \$896,290 on air time to broadcast television these advertisements in Ohio. A forthcoming analysis of interest group spending in the 2012 election reports CBEG was among the top 25 sponsors of advertisements in the 2012 presidential election, spending \$896,290 to air ads supporting Republicans 981 times. Michael M. Franz, Interest Groups in Electoral Politics, *The Forum: A Journal of Applied Research on Contemporary Politics*, (forthcoming Volume 10, Issue 4), Table 3 (Top 25 Sponsors of Ads in Presidential General Election) (excerpts attached as Exhibit B). The spending figures in the article are derived from data provided to the Wesleyan Media Project by the Campaign Media Analysis Group, which tracks political advertisements broadcast on local, national, and cable television. *Id.*; see also <http://mediaproject.wesleyan.edu/about/> (describing source of data).

13. Around the time CBEG was broadcasting the advertisements, news reports similarly reported CBEG intended to spend approximately \$900,000 on air time. Alexander Burns, Anti-Obama Group Putting \$900k Into Ohio, *Politico*, October 15, 2012 (attached as Exhibit C); Neil W. McCabe, There Is A 'War On Coal', *Human Events*, October 19, 2012 (attached as Exhibit D). See also Erica Martinson, It's Miner Versus Miner In Ohio Coal War Ads, *Politico*, October 17, 2012 (attached as Exhibit E).

14. In addition, television stations in Ohio submitted to the Federal Communications Commission ("FCC") copies of contracts, invoices, and purchase orders for at least \$534,850 worth of air time for CBEG between October 16 and October 29, 2012 (attached as Exhibit F). On

information and belief, these records do not reflect all of CBEG's purchases of air time because the FCC only requires some television stations to submit information for the online political file.

15. On information and belief, CBEG also spent money to produce the advertisements in addition to its expenditures for air time.

16. On information and belief, Mr. Perrin is knowledgeable about campaign finance law, specifically including the FECA provisions and FEC regulations regarding the reporting of electioneering communications and independent expenditures. Prior to serving as president of CBEG, Mr. Perrin was president of the American Taxpayers Alliance ("ATA"). *See* ATA 2002 Form 990 Tax Return (excerpts attached as Exhibit G). While Mr. Perrin served as president, ATA submitted comments to the FEC in response to a Notice of Proposed Rulemaking that addressed in detail proposed rules regarding electioneering communications. *See* Letter from ATA to FEC, August 21, 2002; Letter from ATA to FEC, August 29, 2002 (attached as Exhibit H). ATA subsequently filed additional comments to the FEC in response to a later Notice of Proposed Rulemaking that again addressed in detail proposed revisions to the rules regarding electioneering communications. *See* Letter from ATA to FEC, October 1, 2007 (attached as Exhibit I). It is unclear if Mr. Perrin was still president of ATA at that time, however, because ATA failed to file Form 990 tax returns with the Internal Revenue Service ("IRS") after 2005, which resulted in the IRS revoking ATA's tax-exempt status in 2010. *See* IRS, Automatic Revocation of Exemption Information, American Taxpayers Alliance (attached as Exhibit J).

17. Mr. Perrin also is knowledgeable about campaign finance law as a result of a series of lawsuits and complaints filed against ATA while he served as president. One lawsuit involved allegations that ATA violated California law by failing to report expenditures for election-related

television advertisements. *Gov. Gray Davis v. American Taxpayers Alliance*, 102 Cal. App. 4th 449 (Cal. App. Ct. 2002). A separate complaint was filed against ATA in Illinois in 2002 alleging the group broadcast political advertisements but failed to register as a political committee. Illinois High Court Ads Could Be Headed To U.S. Supreme Court, Associated Press, Nov. 6, 2002 (attached as Exhibit K).

18. CBEG did not file any electioneering communications reports or independent expenditure report with the FEC regarding the two advertisements.

#### Legal background

19. An "independent expenditure" is an expenditure by a person for a communication "expressly advocating the election or defeat of a clearly identified candidate" that is not coordinated with a candidate or a political party. 2 U.S.C. § 431(17); 11 C.F.R. § 100.16(a).

20. The Commission's regulations define "expressly advocating" as any communication that either use phrases such as "Smith for Congress" or "Bill McKay in '94," 11 C.F.R. § 100.22(a), or "[w]hen taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because - (1) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (2) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action," 11 C.F.R. § 100.22(b).

21. The FECA requires a person who makes independent expenditures aggregating \$10,000 or more on a given election in a calendar year up to the 20th day before the date of an election to file a report describing the expenditure with the Commission within 48 hours. 2 U.S.C.

§ 434(g)(2)(A). Commission regulations specify that the report must be filed not later than “11:59 p.m. Eastern Standard/Daylight Time on the second day following the date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 109.10(c).

22. The FECA requires a person who makes independent expenditures aggregating \$1,000 or more on a given election after the 20th day before the date of an election but more than 24 hours before the day of the election to file a report describing the expenditure with the Commission within 24 hours. 2 U.S.C. § 434(g)(1)(A). Commission regulations specify that the report must be filed not later than “11:59 p.m. Eastern Standard/Daylight Time on the day following the date on which a communication is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 109.10(d).

23. The FECA and FEC regulations further require a person who makes independent expenditures aggregating more than \$250 in a calendar year to file quarterly reports regarding the expenditures. 2 U.S.C. § 434(c)(2) (referencing 2 U.S.C. § 434(a)(2)); 11 C.F.R. § 109.10(b). Those reports must describe the expenditure. 2 U.S.C. § 434(c)(2)(A) (referencing 2 U.S.C. § 434(b)(6)(B)(iii)); 11 C.F.R. § 109.10(e)(1). The FECA further requires these reports to identify each person who made a contribution in excess of \$200 to the person filing the report “which was made for the purpose of furthering an independent expenditure.” 2 U.S.C. § 434(c)(2)(C). FEC regulations interpret these provisions to require the reports to identify each person who made a



contribution in excess of \$200 to the person filing the report which "was made for the purpose of furthering the reported independent expenditure." 11 C.F.R. § 109.10(e)(1)(vi).<sup>1</sup>

24. The FECA and FEC regulations define an "electioneering communication" as any broadcast, cable, or satellite communication that: (1) refers to a clearly identified candidate for Federal office; (2) is publicly distributed within 60 days before a general election for the office sought by the candidate; and (3) is targeted to the relevant electorate, in the case of a candidate for the Senate. 2 U.S.C. § 434(f)(3); 11 C.F.R. § 100.29(a). A "clearly identified candidate" is one whose name, nickname, photograph or drawing appears, or whose identity is apparent through unambiguous reference. 11 C.F.R. § 100.17.

25. The FECA requires a person who makes electioneering communications aggregating \$10,000 or more during a calendar year to file a statement describing the disbursement within 24 hours. 2 U.S.C. § 434(f)(1). Commission regulations specify that the report must be filed not later than "11:59 p.m. Eastern Standard/Daylight Time on the day following the disclosure date." 11 C.F.R. § 104.20(h). The statement must report the amount and recipient of the disbursement and, if the disbursement was made by a corporation or labor union, the name and address of each donor who donated an amount aggregating \$1,000 or more to the corporation or labor union "for the purpose of furthering electioneering communications." 11 C.F.R. § 104.20(c)(9).

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<sup>1</sup> The FEC's interpretation fails to give full effect to the statutory provisions. At a minimum, the statute requires identification of persons who made contributions "for the purpose of furthering *an* independent expenditure," but the regulation only requires identification of persons who made contributions "for the purpose of furthering *the* reported independent expenditure" (emphasis added).

26. Any person who knowingly and willingly violates any provision of the FECA involving the making, receiving, or reporting of any contribution aggregating more than \$25,000 in a calendar year is subject to up to five years in prison and fines. 2 U.S.C. § 437g(d)(1).

Count I

27. The television advertisements CBEG broadcast were either independent expenditures or electioneering communications, but none of them were reported to the Commission.

28. The advertisement titled "The War On Coal: Sherrod Brown v. Ohio Coal Miners" is an independent expenditure because, when taken as a whole, it could only be interpreted by a reasonable person as advocating the defeat of two clearly identified candidates, Sen. Brown and President Obama. The advertisement clearly identified Sen. Brown by name, photograph, and video, and President Obama by name. The advertisement told voters just weeks before the election that Sen. Brown "is lying" and Sen. Brown and President Obama are "job killers," and used excerpts from Sen. Brown's campaign debate with Mr. Mandel. The advertisement strongly suggests Sen. Brown and President Obama are part of a "war on coal," and urges viewers to "Stop The War On Coal," but does not encourage viewers to contact Sen. Brown or President Obama or provide any way to contact them. In the context of an advertisement broadcast in mid-to-late October of an election year, the advertisement could only be reasonably interpreted as containing advocacy of the election or defeat of the candidates.

29. For broadcasts of the advertisement up to 20 days before the date of the election, CBEG should have filed an independent expenditure report with the Commission within 48 hours. For broadcasts of the advertisement broadcast within 20 days of the date of the election, CBEG should have filed an independent expenditure report with the Commission within 24 hours. CBEG

also should have filed quarterly reports for any quarter in which it made independent expenditures aggregating more than \$250.

30. As of April 2, 2013, CBEG had not filed any independent expenditure reports regarding the advertisement.

31. Even if this advertisement was not an independent expenditure, it was an electioneering communication. The advertisement (1) referred to two clearly identified candidates, Sen. Brown and President Obama, (2) was publicly distributed within 60 days of the election, and (3) for Sen. Brown, was targeted to the relevant electorate by being broadcast in Ohio.

32. The advertisement entitled “Why Would You Lie?” also was an electioneering communication. This advertisement (1) referred to two clearly identified candidates, President Obama, and his Republican opponent, Mitt Romney, and (2) was publicly distributed within 60 days of the election.

33. CBEG should have filed electioneering communications reports with the Commission within 24 hours of broadcasting each of these advertisements.

34. As of April 2, 2013, CBEG had not filed any electioneering communications reports regarding the advertisements.

35. By broadcasting advertisements that were either independent expenditures or electioneering communications and failing to report those expenditures to the FEC, CHGO violated 2 U.S.C. § 434(g) and 11 C.F.R. § 109.10(c)-(d), and/or 2 U.S.C. § 434(f)(1) and 11 C.F.R. § 104.20(b).

36. On information and belief, Mr. Perrin is knowledgeable about the specific FECA provisions and FEC regulations regarding the reporting of electioneering communications and

independent expenditures. As a result, CBEG's violations were knowing and willful, and thus subject to criminal penalties and referral to the Department of Justice. 2 U.S.C. §§ 437g(a)(5)(C), 437g(d)(1).

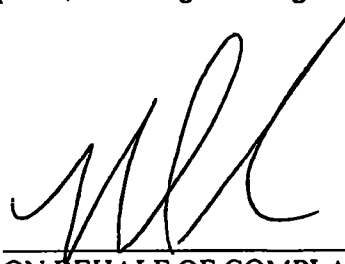
### Count II

37. An independent expenditure or electioneering communication in the form of a communication transmitted through television must include a disclaimer. 2 U.S.C. § 441d(d)(2); 11 C.F.R. §§ 110.11(a)-(b), (c)(4). The communication "must clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication," 11 C.F.R. § 110.11(b)(3), and must include the audio statement that "[the person paying for the communication] is responsible for the content of this advertising," conveyed by a representative of the person paying for the communication either in an unobscured, full-screen view of the representative or in a voiceover, 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(i)-(ii). The communication must also include this statement in a "clearly readable manner." 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(iii).

38. All of the television advertisements paid for by CBEG were independent expenditures or electioneering communications, but none of them included either the audio or written disclaimer stating CBEG is responsible for the content of the advertising. By failing to include the disclaimer, CHGO violated 2 U.S.C. § 441d(d)(2) and 11 C.F.R. §§ 110.11(a)-(b), (c)(4).

Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington and Melanie Sloan request that the FEC conduct an investigation into these allegations, declare the respondent to have violated the FECA and applicable FEC regulations, impose sanctions appropriate to these violations and take such further action as may be appropriate, including referring this case to the Department of Justice for criminal prosecution.

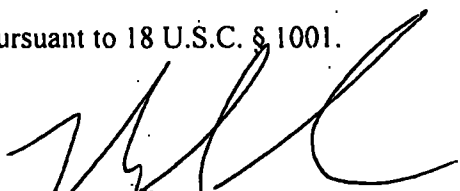


ON BEHALF OF COMPLAINANTS

Melanie Sloan  
Executive Director  
Citizens for Responsibility and Ethics in  
Washington  
1400 Eye St., N.W., Suite 450  
Washington, D.C. 20005  
(202) 408-5565 (phone)  
(202) 588-5020 (fax)

**Verification**

Citizens for Responsibility and Ethics in Washington and Melanie Sloan hereby verify that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.



Melanie Sloan



Subscribed before me this 2 day of April, 2013.



Notary Public

CARRIE LEVINE  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires 04/15/2014

**EXHIBIT B**

## **Interest Groups in Electoral Politics: 2012 in Context**

Michael M. Franz  
Bowdoin College  
Department of Government and Legal Studies  
9800 College Station  
Brunswick, ME  
04011

[www.bowdoin.edu/~mfranz](http://www.bowdoin.edu/~mfranz)  
[mfranz@bowdoin.edu](mailto:mfranz@bowdoin.edu)

DRAFT: December 16, 2012

### **Abstract**

The paper uses data from the Wesleyan Media Project and the Wisconsin Advertising Project to compare the levels of ad spending from outside groups and traditional party organizations across seven federal election cycles. The data show clearly that outside groups advertised at historic levels in 2012. Such intense efforts send two important signals to students of American campaign finance. First, the system of limited donations to candidates and party committees faces a crisis moving forward, its efficacy and purpose challenged by huge investments from outside interests. The second lesson refers to the long debate in political science about whether parties or candidates should be the center of our electoral process. The debate is old, but it now risks irrelevancy as a collection of well-funded outside groups has asserted its role as the primary pivot point in many competitive election campaigns. The paper concludes with a consideration of possible reforms that might help restore parties and candidates to the center of issue debates in competitive federal elections.

**KEYWORDS:** Citizens United, campaign advertising, interest groups

Author Notes: Michael Franz is associate professor of government at Bowdoin College and co-director of the Wesleyan Media Project (WMP). His research interests include campaign finance, political advertising, and interest groups. He is author or co-author of four books, including *The Persuasive Power of Campaign Advertising* (Temple, 2011) and *Choices and Changes: Interest Groups in the Electoral Process* (Temple, 2008). He has published articles in the *Journal of Politics*, *American Journal of Political Science*, *American Politics Research*, and *Political Communication*. He especially thanks The John S. and James L. Knight Foundation, the Rockefeller Brothers Foundation, Wesleyan University and Wesleyan's Quantitative Analysis Center for their support of this project. In addition, he thanks his two collaborators, Travis Ridout and Erika Franklin Fowler, and the WMP Project Manager, Laura Baum, along with the entire Media Project team across all three institutions.



**Table 3—Top 25 Sponsors of Ads in Presidential General Election**

<b>Sponsor</b>	<b>Est. Cost</b>	<b>Ads aired</b>	<b>Affiliation</b>
Obama, Barack	\$306,507,580	550,170	DEM
Romney, Mitt	\$127,530,040	215,510	REP
American Crossroads*	\$81,212,060	81,594	REP
Crossroads GPS	\$48,213,030	72,913	REP
Restore Our Future, Inc.*	\$79,030,550	67,996	REP
Priorities USA Action*	\$40,540,970	63,376	DEM
Americans For Prosperity	\$38,169,250	44,108	REP
Republican National Committee	\$25,054,890	35,822	REP
RNC & Romney, Mitt	\$24,789,190	33,466	REP
Americans For Job Security	\$14,019,060	10,410	REP
American Future Fund	\$11,427,530	10,391	REP
DNC & Obama, Barack	\$15,309,090	7,210	DEM
Republican Jewish Coalition	\$5,408,920	3,422	REP
Planned Parenthood Action Fund	\$3,391,650	3,159	DEM
Concerned Women For America	\$4,400,360	3,132	REP
NRA Political Victory Fund	\$3,019,040	3,108	REP
SEIU & Priorities USA*	\$1,194,420	2,010	DEM
SEIU COPE	\$1,595,230	1,710	DEM
Ending Spending Fund*	\$3,127,830	1,446	REP
Peterffy, Thomas	\$2,572,310	1,102	REP
Priorities USA Action* & LCV Victory Fund	\$532,710	1,080	DEM
Checks And Balances For Economic Growth	\$896,290	981	REP
60 Plus Association	\$1,209,250	873	REP
Special Ops OPSEC Education Fund	\$553,640	850	REP
People For The American Way	\$664,750	829	DEM
<b>Total</b>	<b>\$840,369,640</b>	<b>1,216,668</b>	

\*Super PAC

Source: Wesleyan Media Project

14034MOMN-100

**EXHIBIT C**

**POLITICO**

## **Burns & Haberman Blog**

Enter your email address



**RSS Feed**

### **Anti-Obama group putting \$900k into Ohio (Updated)**

By ALEXANDER BURNS |  
10/15/12 6:37 PM EDT

Barack Obama's about to get hit with almost a million dollars in negative ads in Ohio from a group calling itself Checks and Balances for Economic Growth, according to a source tracking the Buckeye State air war.

The group has reserved a \$900,000 flight starting tomorrow and running through Oct. 29 -- right up to the week before election day. Its ads will air in the Cleveland, Columbus, Charleston, Wheeling, Parkersburg, Zanesville and Youngstown markets.

That's pretty wide coverage and based on the targeting -- including West Virginia-based markets that reach Ohio but excluding areas like Cincinnati and Dayton -- my source suggests we're likely looking at a hard hit related to the coal industry.

UPDATED: And here's the ad, which is indeed an anti-Obama message on coal:

Read more about: Barack Obama (<http://www.politico.com/p/pages/barack-obama>) , Mitt Romney (<http://www.politico.com/p/pages/mitt-romney>) , Ohio (<http://dyn.politico.com/tag/ohio>) , 2012 Elections (<http://dyn.politico.com/tag/2012-elections>) , Coal (<http://dyn.politico.com/tag/coal>)

## EXHIBIT D

14047NIGHT-20

# Human Events

POWERFUL CONSERVATIVE VOICES

TODAY IS: MARCH 22, 2013 | 10:52 AM

ELECTION 2012

## THERE IS A 'WAR ON COAL'



Sen. Sherrod Brown (D-Ohio)

By: Neil W. McCabe

10/19/2012 11:32 AM

Seen here first, this ad, produced by the advocacy group Checks and Balances for Economic Growth, was funded with what a spokesperson called "a significant statewide buy in Ohio." The ad calls out incumbent Ohio Democrat Sen. Sherrod Brown for his claim that there was no "War on Coal." Brown made this statement during an Oct. 15 debate with his GOP challenger Ohio State Treasurer Josh Mandel.

Here is the video:

1404463721

**EXHIBIT E**

1



Patent Settlements  
Save Consumers Money.

GPhA  
Generic Pharmaceutical Association  
[settlementssave.org](http://settlementssave.org)

## POLITICO

### It's miner versus miner in Ohio coal war ads

By: Erica Martinson  
October 17, 2012 02:48 PM EDT

It's an ad about an ad about an ad.

The back and forth over a rally for Mitt Romney at an Ohio coal mine took a fresh twist this week with the release of a new ad that seeks to clear the air on misunderstandings about the event.

Yes, the coal miners say in the ad, we were thrilled to attend the August campaign rally for the Republican presidential nominee — not forced to go.

The ad, released Monday, shows the employees at Murray Energy's Century Mine at a news conference; there, a miner identified as Mitch Miracle says the chance to stand behind Romney was "a once-in-a-lifetime event right here in the Ohio Valley."

The salvo is the latest in the battle of the airwaves, which started in August when local radio host David Bloomquist reported that about a dozen hourly employees at the mine told him anonymously that while the mine was closed for the day of the rally, they were required to attend the event without pay, and they weren't happy about it.

In an on-air interview with Bloomquist, Murray Energy Vice President Rob Moore said, "We had managers that communicated to our workforce that the attendance at the Romney event was mandatory, but no one was forced to attend the event."

The controversy grew after Romney used footage from the August rally in a campaign ad, re-igniting the contention that the miners were coerced to become props for the candidate.

The Obama campaign grabbed onto the charge, releasing its own ad that featured Bloomquist's report.

But that wasn't the end.

"Absolute lies. That's what these coal miners had to say about Barack Obama's claim that they were forced to attend a campaign rally for Mitt Romney," the new ad says.

So why did the miners only come forward now?

"My comment is, where have you been?" Bloomquist said to POLITICO. "This story has been out there for two months. Not one person has contacted me to say it's false."

The miners in the ad sent a letter to President Barack Obama and to Bloomquist, saying his sources were likely discharged or disgruntled former employees.

The radio host said he feels like he has been caught in the crosshairs of a political fight that is not his. "I reported a news story ... it's been turned into a political tool by the Obama administration."

And as for the miners, "it just seems like they're trying to play damage control," he said.

"Murray's VP came on my air and said attendance was mandatory but nobody was forced to go. What the hell was that supposed to mean?" Bloomquist asked.

POLITICO was not able to get in touch with the miner Miracle, and Murray said the company was not involved in the news conference.

The newest ad is paid for by nonprofit Checks and Balances for Economic Growth, whose address puts it at the office of Pennsylvania law firm Webster, Chamberlain & Bean, LLP. But tax records indicate the CEO is Dan Perrin, president of the HSA Coalition. The group took in — and spent — more than \$2 million in 2010, according to the nonprofit's IRS filing from that year. Perrin declined to comment on the ad or its funding.

Checks and Balances for Economic Growth is also responsible for Ohio-based ads targeting Sen. Sherrod Brown, saying his support for the Obama EPA is going to result in 850 percent boosts to electricity bills.

The Obama campaign did not respond to request for comment.

No word yet on whether there will be an ad about the ad about the ad about the ad.

*This article first appeared on POLITICO Pro at 1:37 p.m. on October 17, 2012.*

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**EXHIBIT F**



WBNS-TV, Inc.  
DEPT L-1133  
COLUMBUS, OH 43260-1133

Strategic Media Placement  
7669 Stagers Loop  
Delaware, OH 43015

## Contract # 103347

### Schedule Dates

10/16/12-10/29/12

### Advertiser

Checks and Balances for Economic Growth (9247)

### Agency

Strategic Media Placement (3256)

### Product

Political/Issues (1129)

### Brand

political issue (13047)

### Salesperson

House, WBNS (1254)

### Sales Office

WBNS-TV

### Buyer Name

/

### Phone/Fax

2928

### CPE

Local/Political Issue

### Account Types

Standard

### Billing Type

Comments

Date Entered 10/15/12  
Last Modified 10/16/12  
Entered By Ryan Hayes  
CO-OP No  
Headline #  
Demo  
Order Type Normal  
Package Deal  
Commission % 15.00  
Commission \$11,520.00  
Net Total \$65,280.00  
Sales Tax

### WBNS-TV (WBNS)

By Broadcast Month	Spots	Rate
Oct. 2012	26	\$72,000.00
Nov. 2012	2	\$4,800.00
<b>Grand Total:</b>	<b>28</b>	<b>\$76,800.00</b>

Line	Line Type / Break Type (ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
1.0	Normal Line / SPOT	10/16/12-10/19/12	2	:30	5:57A- 7A (EST)	4	X	X	X	X	X			4	\$1,800.00	\$7,200.00	WBNS-TV (WBNS)	6a News	10/15/12
2.0	Normal Line / SPOT	10/22/12-10/26/12	2	:30	5:57A- 7A (EST)	5	X	X	X	X	X			5	\$1,800.00	\$9,000.00	WBNS-TV (WBNS)	6a News	10/15/12
3.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	5:57A- 7A (EST)	1	X							1	\$1,800.00	\$1,800.00	WBNS-TV (WBNS)	6a News	10/15/12
4.0	Normal Line / SPOT	10/16/12-10/19/12	2	:30	5P- 6P (EST)	4	X	X	X	X	X			4	\$3,000.00	\$12,000.00	WBNS-TV (WBNS)	5p News	10/15/12
5.0	Normal Line / SPOT	10/22/12-10/26/12	2	:30	5P- 6P (EST)	5	X	X	X	X	X			5	\$3,000.00	\$15,000.00	WBNS-TV (WBNS)	5p News	10/15/12
6.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	5P- 6P (EST)	1	X							1	\$3,000.00	\$3,000.00	WBNS-TV (WBNS)	5p News	10/15/12
7.0	Normal Line / SPOT	10/17/12-10/19/12	2	:30	11P- 11:35P (EST)	3		X	X	X	X			3	\$3,600.00	\$10,800.00	WBNS-TV (WBNS)	11p News	10/15/12
8.0	Normal Line / SPOT	10/23/12-10/26/12	2	:30	11P- 11:35P (EST)	3		X	X	X	X			3	\$3,600.00	\$10,800.00	WBNS-TV (WBNS)	11p News	10/15/12
9.0	Normal Line / SPOT	10/21/12-10/26/12	2	:30	10:28A- 11A (EST)	1						X		2	\$3,600.00	\$7,200.00	WBNS-TV (WBNS)	face the nation	10/15/12

## CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:

Date:

Accepted-Station:

Date:

Comments:

"WBNS-TV, Inc., and its stations do not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of the particular contract, is hereby rejected."

# Strategic Media Placement Checks And Balance For Economic Growth/ Issue

Submission Number 9190 Issue 1

7669 Stagers Loop

Delaware OH 43015



**NBC 4 / WCMH**

3165 Orlinlangy River Road  
Columbus, OH 43202

PHONE (614) 263-4444 FAX (614) 447-9101

<b>Client:</b> Checks And Balance For Economic Growth/ Issue	<b>Submission Cost:</b> 50500	<b>Campaign Ref:</b> BF512101601
<b>Buyer:</b> 10/16/12 to 10/29/12	<b>Client/Product/Estimate:</b> EST/2928/1016	<b>Sales Rep:</b> WCMH Political
<b>Schedule Dates:</b> 10/16/12 to 10/29/12	<b>Weeks:</b> 3	<b>Order Ref:</b> POLITICAL
<b>Est/PO Number:</b>	<b>Contract type:</b> Political	<b>Business Type:</b> POLITICAL
<b>Associated Copies:</b> No		<b>Business Category:</b> Transactional

<b>Product:</b> Checks And Balance For Economic Growth/ Issue	<b>Booking Group:</b> WCMH	<b>Key Market:</b> Columbus, OH
<b>Demographic:</b> (L) Household	<b>Order:</b>	

Ref	Sales Product Details	Rev Type	Rate	Spot Type	Nbr of Spots	10/15	10/22	10/29	Total
1	M-F 6a News MTWTFSS Isolations: W/C 10/15..WTF..	05	1500	30 Comme	Nbr of Spots	4			4
2	M-F 6a News MTWTFSS Isolations: W/C 10/15..WTF.., W/C 10/22 MTWTF..	05	1500	30 Comme	Nbr of Spots		5		5
3	M-F 6a News MTWTFSS Isolations: W/C 10/15..WTF.., W/C 10/22 MTWTF.., W/C 10/29 M.....	05	1500	30 Comme	Nbr of Spots			1	1
4	M-Su 6p News MTWTFSS Isolations: W/C 10/15..WTFSS	06	1800	30 Comme	Nbr of Spots	4			4
5	M-Su 6p News MTWTFSS Isolations: W/C 10/15..WTFSS, W/C 10/22 MTWTF..	06	1800	30 Comme	Nbr of Spots		5		5
6	M-Su 6p News MTWTFSS Isolations: W/C 10/15..WTFSS, W/C 10/22 MTWTF.., W/C 10/29 M.....	06	1800	30 Comme	Nbr of Spots			1	1
<b>Weekly Totals: Total Spots(Ord Spots)</b>						11	14	2	27

Strategic Media Placement Checks And Balance For Economic Growth/ Issue  
7669 Stagers Loop Submission Number 9190 Issue 1

Delaware OH 43015



NBC 4 / WCMH

3165 Orlentangy River Road  
Columbus, OH 43202  
PHONE (614) 263-4444 FAX (614) 447-9101

Client:		Checks And Balance For Economic Growth/ Issue		Submission Cost:		50500		Campaign Ref:		BF512101601	
Buyer:		...		Client/Product/Estimate:		EST 2928 /1016		Sales Rep:		WCMH Political	
Schedule Dates:		10/16/12 to 10/29/12		Weeks:		3		Order Ref:			
Est./PO Number:				Contract type:		Political		Business Type:		POLITICAL	
Associated Copies:		No						Business Category:		Transactional	
Ref	Sales Product Details	Rev Type		Rate	Spot Type			10/15	10/22	10/29	Total
7	M-Su 11p News	06		2500	30			3			3
	MTWTFSS Isolations: W/C 10/15 ..WTF..				Comme						
8	M-Su 11p News	06		2500	30				4		4
	MTWTFSS Isolations: W/C 10/15 ..WTF..				Comme						
	W/C 10/22 MTWT...										
Weekly Totals: Total Spots(Ord Spots)								11	14	2	27

Grand Totals			
	Month 10 Weeks: 4	Month 11 Weeks: 4	
Totals	10/15	10/22	10/29
Spots	27	11	14
Cost	50500	20700	25500
			3300

Grand Totals:		Spots: 27
		Gross Total: 50,500.00
		Commission: 7,575.00
		Net Total: 42,925.00



WCPO

## ORDER

Print Date 10/19/12

Page 1 of 2

wcpo.com  
kypost.com

Flight Dates 10/20/12-10/29/12

Contract / Revision 315326 /

## Product

OH Checks and Balances 10.20-10.

Order Sep 00:20:00

Estimate # 2997

Alt Order #

Original Date / Revision

10/19/12 10/19/12

Agency Com 15%

Billing Contact

Billing Type Cash

Order Type GENERAL

Billing Cycle EOM/EOC

Billing Calendar BROADCAST

Advertiser Checks and Balances For E

7669 Stagers Loop  
Delaware, OH 43015

Demographic A35+

Agency Strategic Media Placement

Rev Codes POL POL ISS

Buying Contact

Sales Office EWSDC

Product Codes PL

7669 Stagers Loop  
Delaware, OH 43015

Sales Region NAT

Priority P-1

Agency Ref

Advertiser Ref

Primary Account Executive

Daniel Baylog

Account Executive	Order%	Start Date	End Date
Daniel Baylog	100%		

Order Share % Market Value

Competing Station	% of Order	Amount
CABLE	%	
UNKWN	100%	
WBQC	%	
WCET	%	
WCVN	%	
WKON	%	
WKRC	%	
WLWT	%	
WPTO	%	
WSTR	%	
WXIX	%	

## Order Totals

## Billing Plan

Month	# of Spots	Net Amount	Gross Amount	Rating	Start Date	End Date	# Spots	Net Amount	Gross Amount
October 2012	19	\$32,640.00	\$38,400.00	0.00	10/01/12	10/28/12	19	\$32,640.00	\$38,400.00
November 2012	2	\$2,465.00	\$2,900.00	0.00	10/29/12	10/29/12	2	\$2,465.00	\$2,900.00
Totals	21	\$35,105.00	\$41,300.00	0.00					

Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Totals Spots Amount	
N 1	WCPO	10/20/12	10/29/12	M-F GMTS 6-7a M-F GMTS 6-7a	CM	6-7a	MTWTF--	:30	3	\$900.00	P-1	0.00	NM	4	\$3,600.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----					0	\$0.00		0.00			
		Week: 10/22/12	10/28/12	M-WT---					3	\$900.00		0.00			
		Week: 10/29/12	11/04/12	M-----					1	\$900.00		0.00			
N 2	WCPO	10/20/12	10/29/12	SA GMA 7-8a SA GMA 7-8a	CM	7-8a	-----S-	:30	1	\$450.00	P-2	0.00	NM	2	\$900.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----S-					1	\$450.00		0.00			
		Week: 10/22/12	10/28/12	-----S-					1	\$450.00		0.00			



WCPO

Print Date: 10/19/12

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wcpo.com  
kypost.com

Contract / Revision 315326 Flight Dates 10/20/12-10/29/12

Hiatus Dates

Original Date / Revision 10/19/12/ 10/19/12

Order Sep 00:20:00

Advertiser Checks and Balances For Product OH Checks and Balances 1 Estimate # 2997

Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Totals	
														Spots	Amount
N 2	WCPO	10/20/12	10/29/12	SA GMA 7-8a SA GMA 7-8a	CM	7-8a	-----S-	:30	1	\$450.00	P-2	0.00	NM	2	\$900.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 3	WCPO	10/20/12	10/29/12	SA GMTS 8-9a SA GMTS 8-9a	CM	8-9a	-----S-	:30	1	\$450.00	P-2	0.00	NM	2	\$900.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----S-					1	\$450.00		0.00			
		Week: 10/22/12	10/28/12	-----S-					1	\$450.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 4	WCPO	10/20/12	10/29/12	SU GMA 7-8a SU GMA 7-8a	CM	7-8a	-----S	:30	1	\$450.00	P-2	0.00	NM	2	\$900.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----S					1	\$450.00		0.00			
		Week: 10/22/12	10/28/12	-----S					1	\$450.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 5	WCPO	10/20/12	10/29/12	SU GMTS 8-9a SU GMTS 8-9a	CM	8-9a	-----S	:30	1	\$450.00	P-2	0.00	NM	2	\$900.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----S					1	\$450.00		0.00			
		Week: 10/22/12	10/28/12	-----S					1	\$450.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 6	WCPO	10/20/12	10/29/12	SU 9-10a SU9-10a	CM	9-10a	-----S	:30	1	\$800.00	P-8	0.00	NM	2	\$1,600.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----S					1	\$800.00		0.00			
		Week: 10/22/12	10/28/12	-----S					1	\$800.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 7	WCPO	10/20/12	10/29/12	M-F 6-630p News M-F 6-630p News	CM	558-630p	MTWTF--	:30	3	\$2,000.00	P-2	0.00	NM	4	\$8,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----					0	\$0.00		0.00			
		Week: 10/22/12	10/28/12	-TWT---					3	\$2,000.00		0.00			
		Week: 10/29/12	11/04/12	M-----					1	\$2,000.00		0.00			
N 8	WCPO	10/20/12	10/29/12	Thursday Prime B Thursday Prime B	CM	9-10p	---T---	:30	1	\$8,000.00	P-3	0.00	NM	1	\$8,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----					0	\$0.00		0.00			
		Week: 10/22/12	10/28/12	---T---					1	\$8,000.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 9	WCPO	10/20/12	10/29/12	M-SU 11p Late News M-SU 11p Late News	CM	11-1135p	MTWTFSS	:30	1	\$1,500.00	P-2	0.00	NM	1	\$1,500.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----					0	\$0.00		0.00			
		Week: 10/22/12	10/28/12	M-----					1	\$1,500.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			
N 10	WCPO	10/20/12	10/29/12	OSU Football OSU Football	CM	1158a-1130p	MTW-FS-	:30	1	\$15,000.00	P-1	0.00	NM	1	\$15,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>					<u>Spots/Week</u>	<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----S-					1	\$15,000.00		0.00			
		Week: 10/22/12	10/28/12	-----					0	\$0.00		0.00			
		Week: 10/29/12	11/04/12	-----					0	\$0.00		0.00			

Totals 21 \$41,300.00

10/19/12 10:20:00



WEWS

# ORDER

Print Date 10/15/12

Page 1 of 2

Flight Dates 10/16/12-10/29/12

Contract / Revision 314756 / Product OH Checks & Balances 10.16-10.29

Original Date / Revision 10/15/12 10/15/12 Agency Com 15%

Advertiser Checks and Balances For E Billing Contact

7669 Stagers Loop  
Delaware, OH 43015

Agency Strategic Media Placement

Buying Contact

7669 Stagers Loop  
Delaware, OH 43015

Sales Office EWSDC

Sales Region NAT

Agency Ref

Order Sep 00:20:00

Estimate # 2928

Alt Order #

Billing Type Cash

Order Type GENERAL

Billing Cycle EOM/EOC

Billing Calendar BROADCAST

Demographic A35+

Rev Codes POL POL ISS

Product Codes PL

Priority P-1

Advertiser Ref

Primary Account Executive

Daniel Baylog

Account Executive	Order%	Start Date	End Date
Daniel Baylog	100%		

Order Share 100% Market Value 71500

Competing Station	% of Order	Amount
CABLE	%	0
UNKWN	%	0
WBNX	%	0
WDLI	%	0
WEAO	%	0
WGGN	%	0
WJW	%	0
WKYC	%	0
WMFD	%	0
WOAC	%	0
WOIO	%	0
WQHS	%	0
WUAB	%	0
WVIZ	%	0
WVPX	%	0

## Order Totals

Month	# of Spots	Net Amount	Gross Amount	Rating
October 2012	23	\$56,270.00	\$66,200.00	0.00
November 2012	2	\$4,505.00	\$5,300.00	0.00
<b>Totals</b>	<b>25</b>	<b>\$60,775.00</b>	<b>\$71,500.00</b>	<b>0.00</b>

## Billing Plan

Start Date	End Date	# Spots	Net Amount	Gross Amount
10/01/12	10/28/12	23	\$56,270.00	\$66,200.00
10/29/12	10/29/12	2	\$4,505.00	\$5,300.00

														<u>Totals</u>	
Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Spots	Amount
N 1	WEWS	10/16/12	10/29/12	M-F GMA 7-9a	CM	7-9a	MTWTF--	:30	5	\$1,800.00	P-1	0.00	NM	10	\$18,000.00



## Hiatus Dates

**Order Sep      00:20:00**

**Advertiser** Checks and Balances For & Product OH Checks & Balances 10.1 **Estimate #** 2928

Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Totals Spots Amount	
N 2	WEWS	10/16/12	10/29/12	M-F 5-6p News M-F 5-6p News	CM	5-6p	MTWTF--	:30	2	\$2,500.00	P-1	0.00	NM	4	\$10,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>				<u>Rate</u>		<u>Rating</u>			
	Week:	10/15/12	10/21/12	---TF--		2				\$2,500.00		0.00			
	Week:	10/22/12	10/28/12	-T--F--		2				\$2,500.00		0.00			
	Week:	10/29/12	11/04/12	-----		0				\$0.00		0.00			
N 3	WEWS	10/16/12	10/29/12	M-F 6-630p News M-F 6-630p News	CM	6-630p	MTWTF--	:30	2	\$3,500.00	P-1	0.00	NM	6	\$21,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>				<u>Rate</u>		<u>Rating</u>			
	Week:	10/15/12	10/21/12	-TW----		2				\$3,500.00		0.00			
	Week:	10/22/12	10/28/12	M-WT---		3				\$3,500.00		0.00			
	Week:	10/29/12	11/04/12	M-----		1				\$3,500.00		0.00			
N 4	WEWS	10/16/12	10/29/12	M-SU 11-1135P Late News M-SU 11-1135P Late News	CM	11-1135p	MTWTF-S	:30	3	\$4,500.00	P-1	0.00	NM	5	\$22,500.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>				<u>Rate</u>		<u>Rating</u>			
	Week:	10/15/12	10/21/12	-TWT---		3				\$4,500.00		0.00			
	Week:	10/22/12	10/28/12	MT-----		2				\$4,500.00		0.00			
	Week:	10/29/12	11/04/12	-----		0				\$0.00		0.00			
<b>Totals</b>														<b>25</b>	<b>\$71,500.00</b>





www.Fox8.com

**WJW**  
**5800 S. Marginal Rd**  
**Cleveland, OH 44103**  
**(216)431-8888**

**CONTRACT**

<b>Contract / Revision</b> 583261 / 1		<b>Alt Order #</b>
<b>Product</b> Oct 16-29		
<b>Contract Dates</b> 10/16/12 - 10/29/12	<b>Estimate #</b> 2928	
<b>Advertiser</b> Checks and Balances for Economic Growth		<b>Original Date / Revision</b> 10/15/12 / 10/15/12
<b>Billing Cycle</b> EOM/EOC	<b>Billing Calendar</b> Broadcast	<b>Cash/Trade</b> Cash
<b>Station</b> WJW	<b>Account Executive</b> John Zaranga	<b>Sales Office</b> Cleveland
<b>Special Handling</b>		
<b>Demographic</b> Adults 25-54		
<b>IDB#</b>	<b>Advertiser Code</b>	<b>Product Code</b>
<b>Agency Ref</b>		<b>Advertiser Ref</b>

And:

**Strategic Media Placement**  
**7669 Stagers Loop**  
**Delaware, OH 43015**

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
N 1	8	10/16/12	10/29/12	M-F 7a-8a	7a-8a Rotator		:30			NM	5	\$12,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/15/12	10/21/12	-TWTF--				2	\$2,400.00			
		Week: 10/22/12	10/28/12	MTWTF--				2	\$2,400.00			
		Week: 10/29/12	11/04/12	M-----				1	\$2,400.00			
N 2	8	10/16/12	10/28/12	M-F 9a-10a	9a-10a		:30			NM	6	\$9,600.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/15/12	10/21/12	-TWT---				3	\$1,600.00			
		Week: 10/22/12	10/28/12	M-WT---				3	\$1,600.00			
N 3	8	10/16/12	10/29/12	M-F 6p-7p News	6p-7p News		:30			NM	10	\$32,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/15/12	10/21/12	-TWTF--				4	\$3,200.00			
		Week: 10/22/12	10/28/12	MTWTF--				5	\$3,200.00			
		Week: 10/29/12	11/04/12	M-----				1	\$3,200.00			
N 4	8	10/16/12	10/29/12	Late News Rotator	10p-11p Rotator		:30			NM	8	\$27,200.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/15/12	10/21/12	-TWT---				3	\$3,400.00			
		Week: 10/22/12	10/28/12	MTWT---				4	\$3,400.00			
		Week: 10/29/12	11/04/12	M-----				1	\$3,400.00			
<b>Totals</b>											<b>29</b>	<b>\$80,800.00</b>

Time Period	# of Spots	Gross Amount	Net Amount
10/01/12 - 10/28/12	26	\$71,800.00	\$61,030.00
10/29/12 - 10/29/12	3	\$9,000.00	\$7,650.00
<b>Totals</b>	<b>29</b>	<b>\$80,800.00</b>	<b>\$68,680.00</b>

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

Notwithstanding to whom bills are rendered, advertiser, agency and service, jointly and severally, shall remain obligated to pay to station the amount of any bills rendered by station within the time specified and until payment in full is received by station. Payment by advertiser to agency or to service or payment by agency to service, shall not constitute payment to station. Station will not be bound by conditions, printed or otherwise contracts, insertion orders, copy instructions or any correspondence when such conflict with the above terms and conditions. Two week advance cancellation notice is required unless otherwise specified. LocalTV does not accept advertising contracts that impermissibly discriminate on the basis of race or ethnicity.

UNIONBROADCAST

**INVOICE**

**Local 12 WKRC-TV**  
 1906 Highland Ave  
 Cincinnati, OH 45219  
 Main: (513) 763-5500  
 Billing: (513) 763-5407

www.local12.com

Billing Address:

**Strategic Media Placement**  
**Attention: Accounts Payable**  
**7669 Stagers Loop**  
**Delaware, OH 43015**

Send Payment To:

**Local 12 WKRC-TV**  
**Newport Television LLC**  
**PO Box 841646**  
**Dallas, TX 75284-1646**

Invoice #	Invoice Date	Invoice Month	Invoice Period
67231-2	11/04/12	November 2012	10/29/12 - 10/29/12

Station	Account Executive	Sales Office	Sales Region
WKRC-TV	LSM LSM	Cincinnati	Local

Advertiser	Product	Estimate Number
Checks and Balances for E	oh checks & balances	2997

Flight Dates	Order #	Alt Order #
10/20/12 - 10/29/12	67231	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/Week	Rate	Type
1	10/22/12	10/29/12	6a Good Morn Cincinnati	6:00 AM-6:30 AM	11111--	:30	5	\$1,200.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/29/12 11/04/12 1----- 1 \$1,200.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 6 WKRC M 10/29/12 6:09 AM 6a Good Morn Cincinnati 6:00 AM-6:30 AM :30 TVCBEGOH201H \$1,200.00 NM									
8	10/29/12	10/29/12	5p Local 12 News at Five	5:00 PM-5:30 PM	1-----	:30	1	\$2,000.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/29/12 11/04/12 1----- 1 \$2,000.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WKRC M 10/29/12 5:24 PM 5p Local 12 News at Five 5:00 PM-5:30 PM :30 TVCBEGOH201H \$2,000.00 NM									
12	10/22/12	10/29/12	11p M-F Local 12 News	11p-1135p	11111--	:30	5	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/29/12 11/04/12 1----- 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 5 WKRC M 10/29/12 11:26 PM 11p M-F Local 12 News 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
<b>Total Spots</b>							<b>3</b>		

**Payment Terms 30 Days**

<u>Gross Total</u>	\$6,000.00
<u>Agency Commission</u>	\$900.00
<u>Net Amount Due</u>	\$5,100.00

We warrant that the actual broadcast information shown on this invoice was taken from the program log.  
 Our stations and its associated parent company do not discriminate in advertising contracts on the basis of race or gender. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or gender, even if handwritten, typed, or otherwise made a part of a particular contract, is hereby rejected.

11/04/2012 11:04 AM

## INVOICE



Local 12 WKRC-TV  
1906 Highland Ave  
Cincinnati, OH 45219  
Main: (513) 763-5408  
Billing: (513) 763-5500

www.local12.com

Billing Address:

Strategic Media Placement  
Attention: Accounts Payable  
7669 Stagers Loop  
Delaware, OH 43015

Send Payment To:

Local 12 WKRC-TV  
Newport Television LLC  
PO Box 841646  
Dallas, TX 75284-1646

Invoice #	Invoice Date	Invoice Month	Invoice Period
67231-1	10/28/12	October 2012	10/01/12 - 10/28/12

Station	Account Executive	Sales Office	Sales Region
WKRC-TV	LSM LSM	Cincinnati	Local

Advertiser	Product	Estimate Number
Checks and Balances for E	oh checks & balances	2997

Flight Dates	Order #	Alt Order #
10/20/12 - 10/29/12	67231	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
1	10/22/12	10/29/12	6a Good Morn Cincinnati	6:00 AM-6:30 AM	11111--	:30	5	\$1,200.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 11111-- 5 \$1,200.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC M 10/22/12 6:15 AM 6a Good Morn Cincinnati 6:00 AM-6:30 AM :30 TVCBEGOH201H \$1,200.00 NM									
2 WKRC Tu 10/23/12 6:29 AM 6a Good Morn Cincinnati 6:00 AM-6:30 AM :30 TVCBEGOH201H \$1,200.00 NM									
3 WKRC W 10/24/12 6:24 AM 6a Good Morn Cincinnati 6:00 AM-6:30 AM :30 TVCBEGOH201H \$1,200.00 NM									
4 WKRC Th 10/25/12 6:15 AM 6a Good Morn Cincinnati 6:00 AM-6:30 AM :30 TVCBEGOH201H \$1,200.00 NM									
5 WKRC F 10/26/12 6:24 AM 6a Good Morn Cincinnati 6:00 AM-6:30 AM :30 TVCBEGOH201H \$1,200.00 NM									
2	10/20/12	10/27/12	6a-8a Local 12 News Sat	7:00 AM-8:00 AM	-----1-	:30	1	\$800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1- 1 \$800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC Sa 10/20/12 7:22 AM 6a-8a Local 12 News Sat 7:00 AM-8:00 AM :30 TVCBEGOH201H \$800.00 NM									
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -----1- 1 \$800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
2 WKRC Sa 10/27/12 7:24 AM 6a-8a Local 12 News Sat 7:00 AM-8:00 AM :30 TVCBEGOH201H \$800.00 NM									
3	10/20/12	10/27/12	Saturday Early Show	8:00 AM-9:00 AM	-----1-	:30	1	\$1,100.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1- 1 \$1,100.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC Sa 10/20/12 8:25 AM Saturday Early Show 8:00 AM-9:00 AM :30 TVCBEGOH201H \$1,100.00 NM									
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -----1- 1 \$1,100.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
2 WKRC Sa 10/27/12 8:24 AM Saturday Early Show 8:00 AM-9:00 AM :30 TVCBEGOH201H \$1,100.00 NM									
4	10/20/12	10/27/12	Saturday Early Show	9:00 AM-10:00 AM	-----1-	:30	1	\$1,100.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1- 1 \$1,100.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC Sa 10/20/12 9:29 AM Saturday Early Show 9:00 AM-10:00 AM :30 TVCBEGOH201H \$1,100.00 NM									

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10/24/2012 11:04 AM

## INVOICE

Send Payment To:

Local 12 WKRC-TV  
Newport Television LLC  
PO Box 841646  
Dallas, TX 75284-1646



www.local12.com

Invoice #	Invoice Date	Invoice Month	Invoice Period
67231-1	10/28/12	October 2012	10/01/12 - 10/28/12

Advertiser	Product	Estimate Number
Checks and Balances for E	oh checks & balances	2997

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
4	10/20/12	10/27/12	Saturday Early Show	9:00 AM-10:00 AM	-----1-	:30	1	\$1,100.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -----1- 1 \$1,100.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 2 WKRC Sa 10/27/12 9:59 AM Saturday Early Show 9:00 AM-10:00 AM :30 TVCBEGOH201H \$1,100.00 NM									
5	10/21/12	10/28/12	CBS Sun Morn News	9:00 AM-9:30 AM	-----1	:30	1	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WKRC Su 10/21/12 8:59 AM CBS Sun Morn News 9:00 AM-9:30 AM :30 TVCBEGOH201H \$2,800.00 NM									
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 2 WKRC Su 10/28/12 9:08 AM CBS Sun Morn News 9:00 AM-9:30 AM :30 TVCBEGOH201H \$2,800.00 NM									
6	10/21/12	10/28/12	CBS Sun Morn News	9:30 AM-10:00 AM	-----1	:30	1	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WKRC Su 10/21/12 9:54 AM CBS Sun Morn News 9:30 AM-10:00 AM :30 TVCBEGOH201H \$2,800.00 NM									
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 2 WKRC Su 10/28/12 9:31 AM CBS Sun Morn News 9:30 AM-10:00 AM :30 TVCBEGOH201H \$2,800.00 NM									
7	10/21/12	10/28/12	CBS Sun Morn News	10:00 AM-10:30 AM	-----1	:30	1	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WKRC Su 10/21/12 10:29 AM CBS Sun Morn News 10:00 AM-10:30 AM :30 TVCBEGOH201H \$2,800.00 NM									
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 2 WKRC Su 10/28/12 9:57 AM CBS Sun Morn News 10:00 AM-10:30 AM :30 TVCBEGOH201H \$2,800.00 NM									
9	10/22/12	10/26/12	5p Local 12 News at Five	5:30 PM-6:00 PM	1-1-1--	:30	3	\$2,000.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 1-1-1-- 3 \$2,000.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WKRC M 10/22/12 5:52 PM 5p Local 12 News at Five 5:30 PM-6:00 PM :30 TVCBEGOH201H \$2,000.00 NM 2 WKRC W 10/24/12 5:57 PM 5p Local 12 News at Five 5:30 PM-6:00 PM :30 TVCBEGOH201H \$2,000.00 NM 3 WKRC F 10/26/12 5:28 PM 5p Local 12 News at Five 5:30 PM-6:00 PM :30 TVCBEGOH201H \$2,000.00 NM									
10	10/23/12	10/25/12	6p Local 12 News at Six	6p-630p	-1-1---	:30	2	\$2,500.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 -1-1--- 2 \$2,500.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WKRC Tu 10/23/12 6:13 PM 6p Local 12 News at Six 6p-630p :30 TVCBEGOH201H \$2,500.00 NM 2 WKRC Th 10/25/12 6:25 PM 6p Local 12 News at Six 6p-630p :30 TVCBEGOH201H \$2,500.00 NM									
11	10/20/12	10/20/12	Big East Football	12p-330p	-----2-	:30	2	\$500.00	NM

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114047MCM-1110

**INVOICE**

Send Payment To:

**Local 12 WKRC-TV**  
**Newport Television LLC**  
**PO Box 841646**  
**Dallas, TX 75284-1646**



Invoice #	Invoice Date	Invoice Month	Invoice Period
67231-1	10/28/12	October 2012	10/01/12 - 10/28/12

Advertiser	Product	Estimate Number
Checks and Balances for E	oh checks & balances	2997

www.local12.com

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
11	10/20/12	10/20/12	Big East Football	12p-330p	-----2-	:30	2	\$500.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----2- 2 \$500.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC Sa 10/20/12 1:41 PM Big East Football 12p-330p :30 TVCBEGOH201H \$500.00 NM									
2 WKRC Sa 10/20/12 3:16 PM Big East Football 12p-330p :30 TVCBEGOH201H \$500.00 NM									
12	10/22/12	10/29/12	11p M-F Local 12 News 11	11p-1135p	11111--	:30	5	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 11-11-- 4 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC M 10/22/12 11:22 PM 11p M-F Local 12 News 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
2 WKRC Tu 10/23/12 11:34 PM 11p M-F Local 12 News 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
3 WKRC Th 10/25/12 11:22 PM 11p M-F Local 12 News 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
4 WKRC F 10/26/12 11:09 PM 11p M-F Local 12 News 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
13	10/20/12	10/20/12	11p Sa-Su Local 12 Nws 11	11p-1135p	-----1-	:30	1	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1- 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC Sa 10/20/12 11:21 PM 11p Sa-Su Local 12 Nws 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
14	10/21/12	10/21/12	11p Sa-Su Local 12 Nws 11	11p-1135p	-----1	:30	1	\$2,800.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/15/12 10/21/12 -----1 1 \$2,800.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC Su 10/21/12 12:21 AM 11p Sa-Su Local 12 Nws 11 11p-1135p :30 TVCBEGOH201H \$2,800.00 NM									
15	10/22/12	10/24/12	Letterman	1135p-1235a	1-1----	:30	2	\$1,000.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/22/12 10/28/12 1-1---- 2 \$1,000.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type									
1 WKRC M 10/22/12 12:32 AM Letterman 1135p-1235a :30 TVCBEGOH201H \$1,000.00 NM									
2 WKRC W 10/24/12 12:09 AM Letterman 1135p-1235a :30 TVCBEGOH201H \$1,000.00 NM									
<b>Total Spots</b>							<b>32</b>		

**Payment Terms 30 Days**

<u>Gross Total</u>	<b>\$59,600.00</b>
<u>Agency Commission</u>	<b>\$8,940.00</b>
<u>Net Amount Due</u>	<b>\$50,660.00</b>

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## ORDER



**Orders**  
 Order / Rev: 67231  
 Alt Order #:  
 Product Desc: oh checks & balances  
 Estimate: 2997  
 Flight Dates: 10/20/12 - 10/29/12  
 Original Date / Rev: 10/19/12 / 10/19/12  
 Order Type: GENERAL

Local 12 WKRC-TV  
 Primary AE: LSM LSM  
 Sales Office: CVG  
 Sales Region: Local

**Agency**  
 Name: Strategic Media Placement  
 Buying Contact:  
 Billing Contact:  
 7669 Stagers Loop  
 Delaware, OH 43015

Billing Type: Cash  
 Billing Calendar: Broadcast  
 Billing Cycle: EOM/EOC  
 Agency Commission: 15%

**Advertiser**  
 Name: Checks and Balances for Economic G  
 Demographic: HH  
 Product Codes: Issues/Propositions  
 Priority: P-1  
 Revenue Codes: AGY, POL-ISS, GEN

New Business Thru:  
 Order Separation: 00:15:00  
 Advertiser External ID:  
 Agency External ID:

## Bill Plan

Start Date	End Date	# Spots	Gross Amount	Net Amount
10/01/12	10/28/12	32	\$59,600.00	\$50,660.00
10/29/12	10/29/12	3	\$6,000.00	\$5,100.00

## Totals

Month	# Spots	Gross Amount	Net Amount	Rating
October 2012	32	\$59,600.00	\$50,660.00	0.00
November 2012	3	\$6,000.00	\$5,100.00	0.00
<b>Totals</b>	<b>35</b>	<b>\$65,600.00</b>	<b>\$55,760.00</b>	<b>0.00</b>

## Account Executives

Account Executive	Sales Office	Sales Region	Start Date / End Date	Order %
LSM LSM			Start Of Order - End Of Order	100%

Order Share	Share	Total
Local 12 WKRC-TV	41%	\$65,600.00
Market	100%	\$160,000.00

Competitive Share	Share	Total
EKRC	1%	\$1,600.00
UNKWN	58%	\$92,800.00
WCPO	0%	\$0.00
WLWT	0%	\$0.00
WSTR	0%	\$0.00
WXIX	0%	\$0.00

Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Spots	Amount
N 1	WKRC	10/22/12	10/29/12	6a Good Morn Cincinnati	CM	6:00 AM-6:30 AM	11111--	:30	5	\$1,200.00	P-1	0.00	NM	6	\$7,200.00
				6a Good Morn Cincinnati		(6:00 AM-6:30 AM)									
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>				<u>Rate</u>		<u>Rating</u>			
		Week: 10/22/12	10/28/12	11111--		5				\$1,200.00		0.00			
		Week: 10/29/12	11/04/12	1-----		1				\$1,200.00		0.00			
N 2	WKRC	10/20/12	10/27/12	6a-8a Local 12 News Sa	CM	7:00 AM-8:00 AM	-----1-	:30	1	\$800.00	P-1	0.00	NM	2	\$1,600.00
				6a-8a Local 12 News Sat		(7:00 AM-8:00 AM)									
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>				<u>Rate</u>		<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1-		1				\$800.00		0.00			
		Week: 10/22/12	10/28/12	-----1-		1				\$800.00		0.00			
N 3	WKRC	10/20/12	10/27/12	CBS This Morning Satur	CM	8:00 AM-9:00 AM	-----1-	:30	1	\$1,100.00	P-1	0.00	NM	2	\$2,200.00

Order / Rev: 67231  
 Alt Order #:  
 Flight Dates: 10/20/12 - 10/29/12

Advertiser: Checks and Balances for Economic Gro  
 Product Desc: oh checks & balances  
 Estimate: 2997  
 Local 12 WKRC-TV

Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Spots	Amount
Saturday Early Show (8:00 AM-9:00 AM) ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1- ✓		1			\$1,100.00			0.00			
		Week: 10/22/12	10/28/12	-----1- ✓		1			\$1,100.00			0.00			
N 4	WKRC	10/20/12	10/27/12	CBS This Morning Satur	CM	9:00 AM-10:00 AM	-----1-	:30	1	\$1,100.00	P-1	0.00	NM	2	\$2,200.00
Saturday Early Show (9:00 AM-10:00 AM) ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1- ✓		1			\$1,100.00			0.00			
		Week: 10/22/12	10/28/12	-----1- ✓		1			\$1,100.00			0.00			
N 5	WKRC	10/21/12	10/28/12	CBS Sun Morning	CM	9:00 AM-9:30 AM	-----1	:30	1	\$2,800.00	P-1	0.00	NM	2	\$5,600.00
CBS Sun Morn News (9:00 AM-9:30 AM) ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1 ✓		1			\$2,800.00			0.00			
		Week: 10/22/12	10/28/12	-----1 ✓		1			\$2,800.00			0.00			
N 6	WKRC	10/21/12	10/28/12	CBS Sun Morning	CM	9:30 AM-10:00 AM	-----1	:30	1	\$2,800.00	P-1	0.00	NM	2	\$5,600.00
CBS Sun Morn News (9:30 AM-10:00 AM) ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1 ✓		1			\$2,800.00			0.00			
		Week: 10/22/12	10/28/12	-----1 ✓		1			\$2,800.00			0.00			
N 7	WKRC	10/21/12	10/28/12	CBS Sun Morning	CM	10:00 AM-10:30 AM	-----1	:30	1	\$2,800.00	P-1	0.00	NM	2	\$5,600.00
CBS Sun Morn News (10:00 AM-10:30 AM) ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1 ✓		1			\$2,800.00			0.00			
		Week: 10/22/12	10/28/12	-----1 ✓		1			\$2,800.00			0.00			
N 8	WKRC	10/29/12	10/29/12	5p Local 12 News at Five	CM	5:00 PM-5:30 PM	1-----	:30	1	\$2,000.00	P-1	0.00	NM	1	\$2,000.00
5p Local 12 News at Five (5:00 PM-5:30 PM) ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/29/12	11/04/12	1----- ✓		1			\$2,000.00			0.00			
N 9	WKRC	10/22/12	10/26/12	5p Local 12 News at Five	CM	5:30 PM-6:00 PM	1-1-1--	:30	3	\$2,000.00	P-1	0.00	NM	3	\$6,000.00
5p Local 12 News at Five (5:30 PM-6:00 PM) ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/22/12	10/28/12	1-1-1-- ✓		3			\$2,000.00			0.00			
N 10	WKRC	10/23/12	10/25/12	6p Local 12 News at Six	CM	6p-630p	-1-1---	:30	2	\$2,500.00	P-2	0.00	NM	2	\$5,000.00
6p Local 12 News at Six ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/22/12	10/28/12	-1-1--- ✓		2			\$2,500.00			0.00			
N 11	WKRC	10/20/12	10/20/12	Big East Football	CM	12p-330p	-----2-	:30	2	\$500.00	P-4	0.00	NM	2	\$1,000.00
Big East Football ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----2- ✓		2			\$500.00			0.00			
N 12	WKRC	10/22/12	10/29/12	11p M-F Local 12 News	CM	11p-1135p	11111--	:30	5	\$2,800.00	P-2	0.00	NM	5	\$14,000.00
11p M-F Local 12 News 11 ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/22/12	10/28/12	11-11-- ✓		4			\$2,800.00			0.00			
		Week: 10/29/12	11/04/12	1----- ✓		1			\$2,800.00			0.00			
N 13	WKRC	10/20/12	10/20/12	11p Sa-Su Local 12 Nws	CM	11p-1135p	-----1-	:30	1	\$2,800.00	P-2	0.00	NM	1	\$2,800.00
11p Sa-Su Local 12 Nws 11 ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1- ✓		1			\$2,800.00			0.00			
N 14	WKRC	10/21/12	10/21/12	11p Sa-Su Local 12 Nws	CM	11p-1135p	-----1	:30	1	\$2,800.00	P-2	0.00	NM	1	\$2,800.00
11p Sa-Su Local 12 Nws 11 ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/15/12	10/21/12	-----1 ✓		1			\$2,800.00			0.00			
N 15	WKRC	10/22/12	10/24/12	Letterman	CM	1135p-1235a	1-1----	:30	2	\$1,000.00	P-2	0.00	NM	2	\$2,000.00
Letterman ✓ ✓															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>		<u>Spots/Week</u>			<u>Rate</u>			<u>Rating</u>			
		Week: 10/22/12	10/28/12	1-1---- ✓		2			\$1,000.00			0.00			
Totals														35	\$65,600.00

10/19/12 12:51:56

## CONTRACT



**WOIO**  
1717 East 12th Street  
Cleveland, OH 44114  
(216) 771-1943

And:

Strategic Media Placement,  
7669 Stagers Loop  
Delaware, OH 43015

<b>Contract / Revision</b> 836379 /		<b>Alt Order #</b>
<b>Product</b> OH Checks & Balances Oct 16-Oct 29		
<b>Contract Dates</b> 10/16/12 - 10/29/12		<b>Estimate #</b> 2928
<b>Advertiser</b> Checks & Balances for Economic Growth		<b>Original Date / Revision</b> 10/15/12 / 10/15/12
<b>Billing Cycle</b> EOM/EOC	<b>Billing Calendar</b> Broadcast	<b>Cash/Trade</b> Cash
<b>Station</b> WOIO	<b>Account Executive</b> House WOIO/WUAB	<b>Sales Office</b> Cleveland Local
<b>Special Handling</b> Cash in Advance		
<b>Demographic</b> Adults 18+		
<b>IDB#</b>	<b>Advertiser Code</b>	<b>Product Code</b>
<b>Agency Ref</b>		<b>Advertiser Ref</b>

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
N 1	WOIO	10/16/12	10/19/12	The Early Show	7-9a		:30			NM	4	\$400.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/15/12	10/21/12	-TWTF--				4	\$100.00			
N 2	WOIO	10/22/12	10/26/12	The Early Show	7-9a		:30			NM	5	\$500.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/22/12	10/28/12	MTWTF--				5	\$100.00			
N 3	WOIO	10/29/12	10/29/12	The Early Show	7-9a		:30			NM	1	\$100.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/29/12	11/04/12	M-----				1	\$100.00			
N 4	WOIO	10/21/12	10/28/12	Face the Nation	1030-11a		:30			NM	2	\$6,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/15/12	10/21/12	-----S				1	\$3,000.00			
Week:		10/22/12	10/28/12	-----S				1	\$3,000.00			
N 5	WOIO	10/16/12	10/19/12	Action News at 5p	5-6p		:30			NM	4	\$6,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/15/12	10/21/12	-TWTF--				4	\$1,500.00			
N 6	WOIO	10/22/12	10/26/12	Action News at 5p	5-6p		:30			NM	5	\$7,500.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/22/12	10/28/12	MTWTF--				5	\$1,500.00			
N 7	WOIO	10/29/12	10/29/12	Action News at 5p	5-6p		:30			NM	1	\$1,500.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		10/29/12	11/04/12	M-----				1	\$1,500.00			
<b>Totals</b>											<b>22</b>	<b>\$22,000.00</b>

Time Period	# of Spots	Gross Amount	Net Amount
10/01/12 - 10/28/12	20	\$20,400.00	\$17,340.00
10/29/12 - 10/29/12	2	\$1,600.00	\$1,360.00
<b>Totals</b>	<b>22</b>	<b>\$22,000.00</b>	<b>\$18,700.00</b>

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

Notwithstanding to whom bills are rendered, advertiser, agency and service, jointly and severally, shall remain obligated to pay to station the amount of any bills rendered by station within the time specified and until payment in full is received by station. Payment by advertiser to agency or to service or payment by agency to service, shall not constitute payment to station. Station will not be bound by conditions, printed or otherwise, on contracts, insertion orders, copy instructions or any correspondence when such conflict with the above terms and conditions.

This station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of a particular contract, is hereby rejected.

10/15/12 10:10 AM



11-11-11 11:11:11

836381

# CHECKS & BALANCES FOR ECONOMIC GROWTH

Revision #: 0 Date: 10/15/2012

Client: OH CHECKS & BALANCES  
Media: TV  
Product: TV  
Market: Cleveland

Estimate: 2028  
Description: OH CHECKS & BALANCES OCT18-OCT29  
Flight Start Date: 10/16/12 5:00:00 AM  
Flight End Date: 10/29/12 4:59:00 PM

Separation between spots: 30 Buyer: GREG PHELPS

*Greg Phelps*  
10/15

Estimate Comments:

Line No	Daypart Program	Daypart Code	STN Gross	STN Net	Days	Dur														Total Spots
						10/16	10/17	10/18	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28	10/29	
WUAB-TV																				
18	MTuWThF 7:00a-8:00a ACTION NEWS-7A<	EM	\$50.00	\$42.50	30	1	1	1	1	1	0	1	1	1	1	0	0	1	10	
19	MTuWThFSaSu 10:00p-11:00p ACTION NWS@10<	RT	\$300.00	\$255.00	30	1	1	1	1	1	0	0	1	1	1	1	0	0	1	10
					Total Spots:	2	2	2	2	2	0	2	2	2	2	0	0	2	20	
					Total Cost:	\$3,500.00														\$2,975.00
Total						OCT 12 \$3,150.00														\$2,677.50
						NOV 12 \$350.00														\$287.50
																				18
																				2

Signature:

# Summary by Station/System

Date: 10/15/2012

Client: OH CHECKS & BALANCES  
 Media: TV  
 Product: TV  
 Market: Cleveland  
 Separation between spots: 30  
 Estimate: 2928  
 Description: OH CHECKS & BALANCES OCT18-OCT29  
 Flight Start Date: 10/18/12 5:00:00 AM  
 Flight End Date: 10/29/12 4:59:00 PM  
 Buyer: GREG PHELPS

## Estimate Comments:

Station	Total Spots	STN Gross	PCT	STN Net	PCT
WUAB-TV	20	\$3,500.00	100%	\$2,975.00	100%
Market Total:	20	\$3,500.00		\$2,975.00	

## Summary by Station/Day

Date: 10/15/2012

Client: OH CHECKS & BALANCES  
Media: TV  
Product: TV  
Market: Cleveland

Estimate: 2828

Description: OH CHECKS & BALANCES OCT16-OCT29  
Flight Start Date: 10/16/12 5:00:00 AM  
Flight End Date: 10/29/12 4:59:00 PM

Separation between spots: 30

Buyer: GREG PHELPS

## Estimate Comments:

Station	10/16	10/17	10/18	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28	10/29	Total
WUAB-TV	2	2	2	2	0	0	2	2	2	2	2	0	0	2	20
STN Gross	\$350	\$350	\$350	\$350	\$0	\$0	\$350	\$350	\$350	\$350	\$350	\$0	\$0	\$350	\$3,500
SPOTS	2	2	2	2	0	0	2	2	2	2	2	0	0	2	20
Total															
STN Gross	\$350	\$350	\$350	\$350	\$0	\$0	\$350	\$350	\$350	\$350	\$350	\$0	\$0	\$350	\$3,500



WSYX Columbus  
1261 Dublin Rd  
Columbus, OH 43215

Contract # 1393528

Schedule Dates

10/16/12-10/29/12

Advertiser

Checks and Balances for Economic Growth (74671)

Agency

Strategic Media Placement (6694)

Product

POLITICAL ISSUE (ns) (1187)

Brand

2928 OH Checks & Balances (480271)

Salesperson

HOUSE-COLUMBUS, WSYX/MTTE/ESYX/WWHO (1

Sales Office

WSYX/MTTE/ESYX/WWHO

Buyer Name

Phelps, Greg

Phone/Fax

(740) 201-5511 /

CPE

2928

Account Types

Local/Political Issue Agency BRD

Billing Type

Weekly/Irregular

Comments

Checks and Balances for Economic Growth  
1747 Pennsylvania Ave NW  
Washington, DC 20006

Date Entered 10/15/12  
Last Modified 10/15/12  
Entered By Lorie Luthman  
CO-OP NO  
Headline #  
Demo  
Order Type Normal  
Package Deal  
Commission % 15.00  
Commission \$5,775.00  
Net Total \$32,725.00  
Sales Tax

Columbus (WSYX)  
By Broadcast Month  
Oct. 2012 30 \$34,700.00  
Nov. 2012 3 \$3,800.00  
Grand Total: 33 \$38,500.00

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
1.0	Normal Line / SPOT	10/16/12-10/19/12	2	:30	6:58A- 9A (EST)	1		1	1	1	1			4	\$800.00	\$3,200.00	Columbus (WSYX)		10/15/12
2.0	Normal Line / SPOT	10/16/12-10/19/12	2	:30	6P- 6:30P (EST)	1		1	1	1	1			4	\$1,500.00	\$6,000.00	Columbus (WSYX)		10/15/12
3.0	Normal Line / SPOT	10/16/12-10/19/12	2	:30	11:01P- 11:35P (EST)	1		1	1	1	1			4	\$1,500.00	\$6,000.00	Columbus (WSYX)		10/15/12
4.0	Normal Line / SPOT	10/22/12-10/26/12	2	:30	6:58A- 9A (EST)	1	1	1	1	1	1			5	\$800.00	\$4,000.00	Columbus (WSYX)		10/15/12
5.0	Normal Line / SPOT	10/22/12-10/26/12	2	:30	6P- 6:30P (EST)	1	1	1	1	1	1			5	\$1,500.00	\$7,500.00	Columbus (WSYX)		10/15/12
6.0	Normal Line / SPOT	10/22/12-10/26/12	2	:30	11:01P- 11:35P (EST)	1	1	1	1	1	1			5	\$1,500.00	\$7,500.00	Columbus (WSYX)		10/15/12
7.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	7:58A- 9A (EST)	1							X	1	\$800.00	\$800.00	Columbus (WSYX)		10/15/12
8.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	10:28A- 11:30A (EST)	1							X	1	\$700.00	\$700.00	Columbus (WSYX)		10/15/12
9.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	10:57A- 12P (EST)	1							X	1	\$900.00	\$900.00	Columbus (WSYX)		10/15/12
10.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	7:58A- 9P (EST)	1							X	1	\$600.00	\$600.00	Columbus (WSYX)		10/15/12
11.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	10:28A- 11:30A (EST)	1							X	1	\$700.00	\$700.00	Columbus (WSYX)		10/15/12
12.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	6:58A- 9A (EST)	1	X							1	\$800.00	\$800.00	Columbus (WSYX)		10/15/12
13.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	6P- 6:30P (EST)	1	X							1	\$1,500.00	\$1,500.00	Columbus (WSYX)		10/15/12
14.0	Normal Line / SPOT	10/29/12-10/29/12	2	:30	11:01P- 11:35P (EST)	1	X							1	\$1,500.00	\$1,500.00	Columbus (WSYX)		10/15/12

## CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:

Date:

Accepted-Station:

Date:

Comments:



**CONTRACT**

**WUAB**  
 1717 East 12th Street  
 Cleveland, OH 44114  
 (216) 771-1943

And:

**Strategic Media Placement.**  
 7669 Stagers Loop  
 Delaware, OH 43015

<b>Contract / Revision</b> 838381 /		<b>Alt Order #</b>
<b>Product</b> OH Checks & Balances Oct 16-Oct 29		
<b>Contract Dates</b> 10/16/12 - 10/29/12		<b>Estimate #</b> 2928
<b>Advertiser</b> Checks & Balances for Economic Growth		<b>Original Date / Revision</b> 10/15/12 / 10/15/12
<b>Billing Cycle</b> EOM/EOC	<b>Billing Calendar</b> Broadcast	<b>Cash/Trade</b> Cash
<b>Station</b> WUAB	<b>Account Executive</b> House WOIO/WUAB	<b>Sales Office</b> Cleveland Local
<b>Special Handling</b> Cash In Advance		
<b>Demographic</b> Adults 18+		
<b>IDB#</b>	<b>Advertiser Code</b>	<b>Product Code</b>
<b>Agency Ref</b>		<b>Advertiser Ref</b>

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
N 1	WUAB	10/16/12	10/19/12	M-F 19 Action News at 7a	7-8a		:30			NM	4	\$200.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
	Week:	10/15/12	10/21/12	-TWTF--				4	\$50.00			
N 2	WUAB	10/22/12	10/26/12	M-F 19 Action News at 7a	7-8a		:30			NM	5	\$250.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
	Week:	10/22/12	10/28/12	MTWTF--				5	\$50.00			
N 3	WUAB	10/29/12	10/29/12	M-F 19 Action News at 7a	7-8a		:30			NM	1	\$50.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
	Week:	10/29/12	11/04/12	M-----				1	\$50.00			
N 4	WUAB	10/16/12	10/19/12	Late News M-F	10-11p		:30			NM	4	\$1,200.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
	Week:	10/15/12	10/21/12	-TWTF--				4	\$300.00			
N 5	WUAB	10/22/12	10/26/12	Late News M-F	10-11p		:30			NM	5	\$1,500.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
	Week:	10/22/12	10/28/12	MTWTF--				5	\$300.00			
N 6	WUAB	10/29/12	10/29/12	Late News M-F	10-11p		:30			NM	1	\$300.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
	Week:	10/29/12	11/04/12	M-----				1	\$300.00			
<b>Totals</b>											<b>20</b>	<b>\$3,500.00</b>

Time Period	# of Spots	Gross Amount	Net Amount
10/01/12 - 10/28/12	18	\$3,150.00	\$2,677.50
10/29/12 - 10/29/12	2	\$350.00	\$297.50
<b>Totals</b>	<b>20</b>	<b>\$3,500.00</b>	<b>\$2,975.00</b>

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

Notwithstanding to whom bills are rendered, advertiser, agency and service, jointly and severally, shall remain obligated to pay to station the amount of any bills rendered by station within the time specified and until payment in full is received by station. Payment by advertiser to agency or to service or payment by agency to service, shall not constitute payment to station. Station will not be bound by conditions, printed or otherwise, on contracts, insertion orders, copy instructions or any correspondence when such conflict with the above terms and conditions.

This station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of a particular contract, is hereby rejected.

140444000146

11-22-2012

8/30/12

# CHECKS & BALANCES FOR ECONOMIC GROWTH

Revision #: 0 Date: 10/15/2012

DN 10/15

Client: OH CHECKS & BALANCES  
Media: TV  
Product: TV  
Market: Cleveland

Estimate: 2928  
Description: OH CHECKS & BALANCES OCT-16-OCT-29  
Flight Start Date: 10/16/12 5:00:00 AM  
Flight End Date: 10/29/12 4:59:00 PM

Separation between spots: 30 Buyer: GREG PHELPS

Estimate Comments:

Line No	Daypart Program	Daypart Code	STN Gross	STN Net	Dur	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Total Spots
15	MTUWTHF 7:00a-9:00a EARLY SHW2-CBS<	EM	\$100.00	\$85.00	30	1	1	1	1	1	0	0	1	1	1	1	0	0	1	10
16	Su 10:30a-11:00a FACE NATN-CBS	WK	\$3,000.00	\$2,550.00	30	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2
17	MTUWTHF 5:00p-6:00p ACTN NWS-5 PM<	EN	\$1,500.00	\$1,275.00	30	1	1	1	1	0	0	1	1	1	1	1	1	0	0	10
Total Spots:						2	2	2	2	0	1	2	2	2	2	2	0	1	2	22
Total Cost						\$18,700.00														
Total						\$20,400.00														20
						\$1,600.00														2

Signature:

# Summary by Station/System

Client: OH CHECKS & BALANCES  
 Media: TV  
 Product: TV  
 Market: Cleveland

Estimate: 2928  
 Description: OH CHECKS & BALANCES OCT16-OCT29  
 Flight Start Date: 10/16/12 5:00:00 AM  
 Flight End Date: 10/29/12 4:59:00 PM

Separation between spots: 30  
 Buyer: GREG PHELPS

## Estimate Comments:

Station	Total Spots	STN Gross	PCT	STN Net	PCT
WOIO-TV	22	\$22,000.00	100%	\$18,700.00	100%
Market Total:	22	\$22,000.00		\$18,700.00	



Date: 10/15/2012

# Summary by Station/Day

Client: OH CHECKS & BALANCES  
Media: TV  
Product: TV  
Market: Cleveland

Estimate: 2928  
Description: OH CHECKS & BALANCES OCT18-OCT29  
Flight Start Date: 10/18/12 5:00:00 AM  
Flight End Date: 10/29/12 4:59:00 PM

Separation between spots: 30 Buyer: GREG PHELPS

Estimate Comments:

Station		10/16	10/17	10/18	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28	10/29	Total
WOIO-TV	SPOTS	2	2	2	2	0	1	2	2	2	2	2	0	1	2	22
Total	STN Gross SPOTS	\$1,600 2	\$1,600 2	\$1,600 2	\$1,600 2	\$0 0	\$3,000 1	\$1,600 2	\$1,600 2	\$1,600 2	\$1,600 2	\$1,600 2	\$0 0	\$3,000 1	\$1,600 2	\$22,000 22
	STN Gross	\$1,600	\$1,600	\$1,600	\$1,600	\$0	\$3,000	\$1,600	\$1,600	\$1,600	\$1,600	\$1,600	\$0	\$3,000	\$1,600	\$22,000

# ORDER



**Orders**  
**Order / Rev:** 67227  
**Alt Order #:**  
**Product Desc:** OH Checks & Balances  
**Estimate:** 2997  
**Flight Dates:** 10/22/12 - 10/26/12  
**Original Date / Rev:** 10/19/12 / 10/19/12  
**Order Type:** GENERAL

**Primary AE:** LSM LSM  
**Sales Office:** CVG  
**Sales Region:** Local

**Agency**  
**Name:** Strategic Media Placement  
**Buying Contact:**  
**Billing Contact:**  
 7669 Stagers Loop  
 Delaware, OH 43015

**Billing Type:** Cash  
**Billing Calendar:** Broadcast  
**Billing Cycle:** EOM/EOC  
**Agency Commission:** 15%

**Advertiser**  
**Name:** Checks and Balances for Economic G  
**Demographic:** HH  
**Product Codes:** Issues/Propositions  
**Priority:** P-1  
**Revenue Codes:** AGY, POL-ISS, GEN

**New Business Thru:**  
**Order Separation:** 00:10:00  
**Advertiser External ID:**  
**Agency External ID:**

## Bill Plan

Start Date	End Date	# Spots	Gross Amount	Net Amount
10/01/12	10/26/12	5	\$2,750.00	\$2,337.50

## Totals

Month	# Spots	Gross Amount	Net Amount	Rating
October 2012	5	\$2,750.00	\$2,337.50	0.00
<b>Totals</b>	<b>5</b>	<b>\$2,750.00</b>	<b>\$2,337.50</b>	<b>0.00</b>

## Account Executives

Account Executive	Sales Office	Sales Region	Start Date / End Date	Order %
LSM LSM			Start Of Order - End Of Order	100%

Order Share	Share	Total
CW Cincinnati	1%	\$2,750.00
Market	100%	\$275,000.00

Competitive Share	Share	Total
UNKWN	58%	\$159,500.00
WCPO	0%	\$0.00
WKRC	41%	\$112,750.00
WLWT	0%	\$0.00
WSTR	0%	\$0.00
WXIX	0%	\$0.00

Ln	Ch	Start	End	Inventory Code	Break	Start/End Time	Days	Len	Spots	Rate	Pri	Rtg	Type	Spots	Amount
N 1	EKRC	10/22/12	10/26/12	M-F 10p Local 12 News CM		10p-1035p	11111--	:30	5	\$550.00	P-1	0.00	NM	5	\$2,750.00
M-F 10p Local 12 News															
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>			<u>Spots/Week</u>			<u>Rate</u>		<u>Rating</u>			
Week:		10/22/12	10/28/12	11111--			5			\$550.00		0.00			
Totals														5	\$2,750.00

## INVOICE



Invoice #	Invoice Date	Invoice Month	Invoice Period
67227-1	10/28/12	October 2012	10/01/12 - 10/26/12

Station	Account Executive	Sales Office	Sales Region
EKRC	LSM LSM	Cincinnati	Local

Billing Address:

Strategic Media Placement  
Attention: Accounts Payable  
7669 Stagers Loop  
Delaware, OH 43015

Advertiser	Product	Estimate Number
Checks and Balances for E	OH Checks & Balances	2997

Flight Dates	Order #	Alt Order #
10/22/12 - 10/26/12	67227	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Send Payment To:

EKRC-TV  
Newport Television LLC  
Po Box 841646  
Dallas, TX 75284-1646

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
1	10/22/12	10/26/12	M-F 10p Local 12 News	10p-1035p	11111--	:30	5	\$550.00	NM
Weeks:	<u>Start Date</u> 10/22/12	<u>End Date</u> 10/28/12	<u>MTWTFSS</u> 11111--	<u>Spots/Week</u> 5	<u>Rate</u> \$550.00				
Spots: #	Ch	Day	Air Date	Air Time	Description	Start/End Time	Length	Ad-ID	Rate Type
1	EKRC	M	10/22/12	10:14 PM	M-F 10p Local 12 News	10p-1035p	:30	TVCBEGOH201H	\$550.00 NM
2	EKRC	Tu	10/23/12	10:12 PM	M-F 10p Local 12 News	10p-1035p	:30	TVCBEGOH201H	\$550.00 NM
3	EKRC	W	10/24/12	10:31 PM	M-F 10p Local 12 News	10p-1035p	:30	TVCBEGOH201H	\$550.00 NM
4	EKRC	Th	10/25/12	10:30 PM	M-F 10p Local 12 News	10p-1035p	:30	TVCBEGOH201H	\$550.00 NM
5	EKRC	F	10/26/12	10:29 PM	M-F 10p Local 12 News	10p-1035p	:30	TVCBEGOH201H	\$550.00 NM
Total Spots							5		

## Payment Terms 30 Days

<u>Gross Total</u>	\$2,750.00
<u>Agency Commission</u>	\$412.50
<u>Net Amount Due</u>	\$2,337.50

We warrant that the actual broadcast information shown on this invoice was taken from the program log.

Our stations and its associated parent company do not discriminate in advertising contracts on the basis of race or gender. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or gender, even if handwritten, typed, or otherwise made a part of a particular contract, is hereby rejected.

11/04/2012 10:41:11 AM

**EXHIBIT G**

14047MGM-LNN

Form 990

## Return of Organization Exempt from Income Tax

OMB No. 1545-0047

2002

Department of the Treasury  
Internal Revenue ServiceUnder section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements.

Open to Public  
Inspection

A For the 2002 calendar year, or tax year beginning

2002, and ending

B Check if applicable:

- ☐ Address change  
☐ Name change  
☐ Initial return  
☐ Final return  
☐ Amended return  
☐ Application pending

Please use  
IRS label  
or print  
or type.  
See  
specific  
instruc-  
tions.AMERICAN TAXPAYERS ALLIANCE  
1747 PENNSYLVANIA AVENUE #1000  
WASHINGTON, DC 20006

D Employer identification number

52-2013385

E Telephone number

202-785-9500

F Accounting

method:

☐ Cash☒ Accrual☐ Other (specify)Section 501(c)(3) organizations and 4947(a)(1) nonexempt  
charitable trusts must attach a completed Schedule A  
(Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations.

H (a) Is this a group return for affiliates? ☐ Yes ☒ NoH (b) If 'Yes,' enter number of affiliates: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17 ☐ 18 ☐ 19 ☐ 20 ☐ 21 ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26 ☐ 27 ☐ 28 ☐ 29 ☐ 30 ☐ 31 ☐ 32 ☐ 33 ☐ 34 ☐ 35 ☐ 36 ☐ 37 ☐ 38 ☐ 39 ☐ 40 ☐ 41 ☐ 42 ☐ 43 ☐ 44 ☐ 45 ☐ 46 ☐ 47 ☐ 48 ☐ 49 ☐ 50 ☐ 51 ☐ 52 ☐ 53 ☐ 54 ☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65 ☐ 66 ☐ 67 ☐ 68 ☐ 69 ☐ 70 ☐ 71 ☐ 72 ☐ 73 ☐ 74 ☐ 75 ☐ 76 ☐ 77 ☐ 78 ☐ 79 ☐ 80 ☐ 81 ☐ 82 ☐ 83 ☐ 84 ☐ 85 ☐ 86 ☐ 87 ☐ 88 ☐ 89 ☐ 90 ☐ 91 ☐ 92 ☐ 93 ☐ 94 ☐ 95 ☐ 96 ☐ 97 ☐ 98 ☐ 99 ☐ 100 ☐ 101 ☐ 102 ☐ 103 ☐ 104 ☐ 105 ☐ 106 ☐ 107 ☐ 108 ☐ 109 ☐ 110 ☐ 111 ☐ 112 ☐ 113 ☐ 114 ☐ 115 ☐ 116 ☐ 117 ☐ 118 ☐ 119 ☐ 120 ☐ 121 ☐ 122 ☐ 123 ☐ 124 ☐ 125 ☐ 126 ☐ 127 ☐ 128 ☐ 129 ☐ 130 ☐ 131 ☐ 132 ☐ 133 ☐ 134 ☐ 135 ☐ 136 ☐ 137 ☐ 138 ☐ 139 ☐ 140 ☐ 141 ☐ 142 ☐ 143 ☐ 144 ☐ 145 ☐ 146 ☐ 147 ☐ 148 ☐ 149 ☐ 150 ☐ 151 ☐ 152 ☐ 153 ☐ 154 ☐ 155 ☐ 156 ☐ 157 ☐ 158 ☐ 159 ☐ 160 ☐ 161 ☐ 162 ☐ 163 ☐ 164 ☐ 165 ☐ 166 ☐ 167 ☐ 168 ☐ 169 ☐ 170 ☐ 171 ☐ 172 ☐ 173 ☐ 174 ☐ 175 ☐ 176 ☐ 177 ☐ 178 ☐ 179 ☐ 180 ☐ 181 ☐ 182 ☐ 183 ☐ 184 ☐ 185 ☐ 186 ☐ 187 ☐ 188 ☐ 189 ☐ 190 ☐ 191 ☐ 192 ☐ 193 ☐ 194 ☐ 195 ☐ 196 ☐ 197 ☐ 198 ☐ 199 ☐ 200 ☐ 201 ☐ 202 ☐ 203 ☐ 204 ☐ 205 ☐ 206 ☐ 207 ☐ 208 ☐ 209 ☐ 210 ☐ 211 ☐ 212 ☐ 213 ☐ 214 ☐ 215 ☐ 216 ☐ 217 ☐ 218 ☐ 219 ☐ 220 ☐ 221 ☐ 222 ☐ 223 ☐ 224 ☐ 225 ☐ 226 ☐ 227 ☐ 228 ☐ 229 ☐ 230 ☐ 231 ☐ 232 ☐ 233 ☐ 234 ☐ 235 ☐ 236 ☐ 237 ☐ 238 ☐ 239 ☐ 240 ☐ 241 ☐ 242 ☐ 243 ☐ 244 ☐ 245 ☐ 246 ☐ 247 ☐ 248 ☐ 249 ☐ 250 ☐ 251 ☐ 252 ☐ 253 ☐ 254 ☐ 255 ☐ 256 ☐ 257 ☐ 258 ☐ 259 ☐ 260 ☐ 261 ☐ 262 ☐ 263 ☐ 264 ☐ 265 ☐ 266 ☐ 267 ☐ 268 ☐ 269 ☐ 270 ☐ 271 ☐ 272 ☐ 273 ☐ 274 ☐ 275 ☐ 276 ☐ 277 ☐ 278 ☐ 279 ☐ 280 ☐ 281 ☐ 282 ☐ 283 ☐ 284 ☐ 285 ☐ 286 ☐ 287 ☐ 288 ☐ 289 ☐ 290 ☐ 291 ☐ 292 ☐ 293 ☐ 294 ☐ 295 ☐ 296 ☐ 297 ☐ 298 ☐ 299 ☐ 300 ☐ 301 ☐ 302 ☐ 303 ☐ 304 ☐ 305 ☐ 306 ☐ 307 ☐ 308 ☐ 309 ☐ 310 ☐ 311 ☐ 312 ☐ 313 ☐ 314 ☐ 315 ☐ 316 ☐ 317 ☐ 318 ☐ 319 ☐ 320 ☐ 321 ☐ 322 ☐ 323 ☐ 324 ☐ 325 ☐ 326 ☐ 327 ☐ 328 ☐ 329 ☐ 330 ☐ 331 ☐ 332 ☐ 333 ☐ 334 ☐ 335 ☐ 336 ☐ 337 ☐ 338 ☐ 339 ☐ 340 ☐ 341 ☐ 342 ☐ 343 ☐ 344 ☐ 345 ☐ 346 ☐ 347 ☐ 348 ☐ 349 ☐ 350 ☐ 351 ☐ 352 ☐ 353 ☐ 354 ☐ 355 ☐ 356 ☐ 357 ☐ 358 ☐ 359 ☐ 360 ☐ 361 ☐ 362 ☐ 363 ☐ 364 ☐ 365 ☐ 366 ☐ 367 ☐ 368 ☐ 369 ☐ 370 ☐ 371 ☐ 372 ☐ 373 ☐ 374 ☐ 375 ☐ 376 ☐ 377 ☐ 378 ☐ 379 ☐ 380 ☐ 381 ☐ 382 ☐ 383 ☐ 384 ☐ 385 ☐ 386 ☐ 387 ☐ 388 ☐ 389 ☐ 390 ☐ 391 ☐ 392 ☐ 393 ☐ 394 ☐ 395 ☐ 396 ☐ 397 ☐ 398 ☐ 399 ☐ 400 ☐ 401 ☐ 402 ☐ 403 ☐ 404 ☐ 405 ☐ 406 ☐ 407 ☐ 408 ☐ 409 ☐ 410 ☐ 411 ☐ 412 ☐ 413 ☐ 414 ☐ 415 ☐ 416 ☐ 417 ☐ 418 ☐ 419 ☐ 420 ☐ 421 ☐ 422 ☐ 423 ☐ 424 ☐ 425 ☐ 426 ☐ 427 ☐ 428 ☐ 429 ☐ 430 ☐ 431 ☐ 432 ☐ 433 ☐ 434 ☐ 435 ☐ 436 ☐ 437 ☐ 438 ☐ 439 ☐ 440 ☐ 441 ☐ 442 ☐ 443 ☐ 444 ☐ 445 ☐ 446 ☐ 447 ☐ 448 ☐ 449 ☐ 450 ☐ 451 ☐ 452 ☐ 453 ☐ 454 ☐ 455 ☐ 456 ☐ 457 ☐ 458 ☐ 459 ☐ 460 ☐ 461 ☐ 462 ☐ 463 ☐ 464 ☐ 465 ☐ 466 ☐ 467 ☐ 468 ☐ 469 ☐ 470 ☐ 471 ☐ 472 ☐ 473 ☐ 474 ☐ 475 ☐ 476 ☐ 477 ☐ 478 ☐ 479 ☐ 480 ☐ 481 ☐ 482 ☐ 483 ☐ 484 ☐ 485 ☐ 486 ☐ 487 ☐ 488 ☐ 489 ☐ 490 ☐ 491 ☐ 492 ☐ 493 ☐ 494 ☐ 495 ☐ 496 ☐ 497 ☐ 498 ☐ 499 ☐ 500 ☐ 501 ☐ 502 ☐ 503 ☐ 504 ☐ 505 ☐ 506 ☐ 507 ☐ 508 ☐ 509 ☐ 510 ☐ 511 ☐ 512 ☐ 513 ☐ 514 ☐ 515 ☐ 516 ☐ 517 ☐ 518 ☐ 519 ☐ 520 ☐ 521 ☐ 522 ☐ 523 ☐ 524 ☐ 525 ☐ 526 ☐ 527 ☐ 528 ☐ 529 ☐ 530 ☐ 531 ☐ 532 ☐ 533 ☐ 534 ☐ 535 ☐ 536 ☐ 537 ☐ 538 ☐ 539 ☐ 540 ☐ 541 ☐ 542 ☐ 543 ☐ 544 ☐ 545 ☐ 546 ☐ 547 ☐ 548 ☐ 549 ☐ 550 ☐ 551 ☐ 552 ☐ 553 ☐ 554 ☐ 555 ☐ 556 ☐ 557 ☐ 558 ☐ 559 ☐ 560 ☐ 561 ☐ 562 ☐ 563 ☐ 564 ☐ 565 ☐ 566 ☐ 567 ☐ 568 ☐ 569 ☐ 570 ☐ 571 ☐ 572 ☐ 573 ☐ 574 ☐ 575 ☐ 576 ☐ 577 ☐ 578 ☐ 579 ☐ 580 ☐ 581 ☐ 582 ☐ 583 ☐ 584 ☐ 585 ☐ 586 ☐ 587 ☐ 588 ☐ 589 ☐ 590 ☐ 591 ☐ 592 ☐ 593 ☐ 594 ☐ 595 ☐ 596 ☐ 597 ☐ 598 ☐ 599 ☐ 600 ☐ 601 ☐ 602 ☐ 603 ☐ 604 ☐ 605 ☐ 606 ☐ 607 ☐ 608 ☐ 609 ☐ 610 ☐ 611 ☐ 612 ☐ 613 ☐ 614 ☐ 615 ☐ 616 ☐ 617 ☐ 618 ☐ 619 ☐ 620 ☐ 621 ☐ 622 ☐ 623 ☐ 624 ☐ 625 ☐ 626 ☐ 627 ☐ 628 ☐ 629 ☐ 630 ☐ 631 ☐ 632 ☐ 633 ☐ 634 ☐ 635 ☐ 636 ☐ 637 ☐ 638 ☐ 639 ☐ 640 ☐ 641 ☐ 642 ☐ 643 ☐ 644 ☐ 645 ☐ 646 ☐ 647 ☐ 648 ☐ 649 ☐ 650 ☐ 651 ☐ 652 ☐ 653 ☐ 654 ☐ 655 ☐ 656 ☐ 657 ☐ 658 ☐ 659 ☐ 660 ☐ 661 ☐ 662 ☐ 663 ☐ 664 ☐ 665 ☐ 666 ☐ 667 ☐ 668 ☐ 669 ☐ 670 ☐ 671 ☐ 672 ☐ 673 ☐ 674 ☐ 675 ☐ 676 ☐ 677 ☐ 678 ☐ 679 ☐ 680 ☐ 681 ☐ 682 ☐ 683 ☐ 684 ☐ 685 ☐ 686 ☐ 687 ☐ 688 ☐ 689 ☐ 690 ☐ 691 ☐ 692 ☐ 693 ☐ 694 ☐ 695 ☐ 696 ☐ 697 ☐ 698 ☐ 699 ☐ 700 ☐ 701 ☐ 702 ☐ 703 ☐ 704 ☐ 705 ☐ 706 ☐ 707 ☐ 708 ☐ 709 ☐ 710 ☐ 711 ☐ 712 ☐ 713 ☐ 714 ☐ 715 ☐ 716 ☐ 717 ☐ 718 ☐ 719 ☐ 720 ☐ 721 ☐ 722 ☐ 723 ☐ 724 ☐ 725 ☐ 726 ☐ 727 ☐ 728 ☐ 729 ☐ 730 ☐ 731 ☐ 732 ☐ 733 ☐ 734 ☐ 735 ☐ 736 ☐ 737 ☐ 738 ☐ 739 ☐ 740 ☐ 741 ☐ 742 ☐ 743 ☐ 744 ☐ 745 ☐ 746 ☐ 747 ☐ 748 ☐ 749 ☐ 750 ☐ 751 ☐ 752 ☐ 753 ☐ 754 ☐ 755 ☐ 756 ☐ 757 ☐ 758 ☐ 759 ☐ 760 ☐ 761 ☐ 762 ☐ 763 ☐ 764 ☐ 765 ☐ 766 ☐ 767 ☐ 768 ☐ 769 ☐ 770 ☐ 771 ☐ 772 ☐ 773 ☐ 774 ☐ 775 ☐ 776 ☐ 777 ☐ 778 ☐ 779 ☐ 780 ☐ 781 ☐ 782 ☐ 783 ☐ 784 ☐ 785 ☐ 786 ☐ 787 ☐ 788 ☐ 789 ☐ 790 ☐ 791 ☐ 792 ☐ 793 ☐ 794 ☐ 795 ☐ 796 ☐ 797 ☐ 798 ☐ 799 ☐ 800 ☐ 801 ☐ 802 ☐ 803 ☐ 804 ☐ 805 ☐ 806 ☐ 807 ☐ 808 ☐ 809 ☐ 810 ☐ 811 ☐ 812 ☐ 813 ☐ 814 ☐ 815 ☐ 816 ☐ 817 ☐ 818 ☐ 819 ☐ 820 ☐ 821 ☐ 822 ☐ 823 ☐ 824 ☐ 825 ☐ 826 ☐ 827 ☐ 828 ☐ 829 ☐ 830 ☐ 831 ☐ 832 ☐ 833 ☐ 834 ☐ 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**Part A Reconciliation of Revenue per Audited Financial Statements with Revenue per Return (See instructions.)**

a	Total revenue, gains, and other support per audited financial statements	a	6,549,691
b	Amounts included on line a but not on line 12, Form 990:		
(1)	Net unrealized gains on investments	\$	
(2)	Donated services and use of facilities	\$	2,030
(3)	Recoveries of prior year grants	\$	
(4)	Other (specify):		
		\$	
	Add amounts on lines (1) through (4)	b	2,030
c	Line a minus line b	c	6,547,661
d	Amounts included on line 12, Form 990 but not on line a:		
(1)	Investment expenses not included on line 6b, Form 990	\$	
(2)	Other (specify):		
		\$	
	Add amounts on lines (1) and (2)	d	
e	Total revenue per line 12, Form 990 (line c plus line d)	e	6,547,661

**Part B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return**

a	Total expenses and losses per audited financial statements	a	
b	Amounts included on line a but not on line 17, Form 990:		
(1)	Donated services and use of facilities	\$	2,030
(2)	Prior year adjustments reported on line 20, Form 990	\$	
(3)	Losses reported on line 20, Form 990	\$	
(4)	Other (specify):		
		\$	
	Add amounts on lines (1) through (4)	b	2,030
c	Line a minus line b	c	6,625,257
d	Amounts included on line 17, Form 990 but not on line a:		
(1)	Investment expenses not included on line 6b, Form 990	\$	
(2)	Other (specify):		
		\$	
	Add amounts on lines (1) and (2)	d	
e	Total expenses per line 17, Form 990 (line c plus line d)	e	6,625,257

**Part C List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated; see instructions.)**

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans and deferred compensation	(E) Expense account and other allowances
DANIEL B. PERRIN 9103 BAY PORT CIRCLE INDIANAPOLIS, IN 46236	President 20	82,514	0	0
ALAN P. DYE 1747 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20006	Sec/Treasurer None	0	0	0
DAVID SULLIVAN 3419 NORTH SUNDAY DRIVE OAK HARBOR, WA 98277	Director None	0	0	0
SCOTT REED 1800 K STREET, NW STE. 1122 WASHINGTON, DC 20006	Chairman/Direct None	0	0	0
J. Erwin Stone II 1747 PENNSYLVANIA AVENUE, NW Washington, DC 20006	Director None	0	0	0
Robert Peterson 1747 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20006	Director None	0	0	0

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than \$100,000 from your organization and all related organizations, of which more than \$10,000 was provided by the related organizations?

☐ Yes

☒ No

If 'Yes,' attach schedule - see instructions.

**EXHIBIT H**

LAW OFFICES  
**WEBSTER, CHAMBERLAIN & BEAN**  
1747 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20006  
(202) 785-8500  
FAX: (202) 835-0243

August 21, 2002

**Via E-Mail, Fax and Hand Delivery**

Ms. Mai T. Dinh  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: Notice of Proposed Rulemaking: Electioneering Communications**

**Dear Ms. Dinh:**

American Taxpayers Alliance ("ATA") submits through counsel, the following comments on the Notice of Proposed Rulemaking, 67 Fed. Reg. 51131 (August 7, 2002), to implement certain provisions of the Federal Election Campaign Act of 1971 as amended ("FECA"), as further amended by the Bipartisan Campaign Reform Act of 2002, P.L. 107-55 ("BCRA").

ATA is a § 501(c)(4) non-profit organization dedicated to government reform through grassroots organization and public education and discussion of issues. ATA regularly expresses its opinions on issues in the media and uses television to educate and lobby the public. Some of ATA's positions on issues are unpopular and controversial and for these reasons cause strong, and often adverse reactions. Consequently, many of ATA's donors contribute to ATA to support its speech and positions yet remain protected from disclosure and subsequent harassment.

ATA appreciates the opportunity to comment on these proposed rules, and requests the opportunity to testify, through undersigned counsel, at the hearings to be conducted on August 28 and 29.

In submitting these comments, ATA does not concede that any of the proposed regulations addressed, or the statutory provisions underlying them, are constitutional. Indeed, ATA strongly believes that many provisions of the BCRA

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unconstitutionally regulate protected speech, including direct and grassroots lobbying and issue advocacy, and are not justified by any compelling governmental interest. Furthermore, ATA believes that many provisions of the BCRA will effectively dissuade individuals and non-profit organizations from participating in the political debate.

Nevertheless, ATA is mindful of Congress' directive to the Commission to promulgate rules to implement the BCRA. Furthermore, although the court has the power to rule on the constitutionality of BCRA's provisions currently being challenged, the Commission must exercise its discretion, whenever possible, and promulgate only regulations within Constitutional limits.<sup>1</sup> As officials of the executive branch who have independently taken an oath to uphold the Constitution, the Commission must implement the BCRA in a constitutional fashion regardless of what legislation representatives of a co-equal branch of government have passed. Indeed, if the Commission fails to exercise discretion, whenever possible, and blindly adheres to BCRA's express language, it will not be difficult, if not impossible, to fashion constitutional regulations.

Although these comments generally assume, for purposes of this regulatory process only, that the applicable provisions of the BCRA will survive judicial challenge and that the Commission's regulations will govern ATA, ATA urges the Commission to implement the BCRA in a manner that is least offensive to the First Amendment and that least infringes upon the rights of non-profit organizations to engage in constitutionally protected speech. The Commission's foremost obligation is to the Constitution, which demands no less.

## **I. Role of Non-Profit Organizations**

In implementing these regulations in the least offensive manner possible, it may be helpful to the Commission to understand the role of non-profit organizations in the political process and how the electioneering provisions of the BCRA specifically affect them.

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<sup>1</sup> Courts assume that Congress legislates with constitutional limitations in mind and will speak clearly when it seeks to test those limitations. See *Rust v. Sullivan*, 500 U.S. 173, 191 (1991). Thus, unless Congress clearly states that it intends to test the constitutional waters, courts will not presume that Congress intended to authorize an agency to do so. See *Williams v. Babbitt*, 115 F.3d 657, 662 (9th Cir. 1997); *International Union, United Auto., Aerospace & Agric. Implement Workers of Am., UAW v. OSHA*, 938 F.2d 1310, 1317 (D.C. Cir. 1991).

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Section 501(c)(4) organizations are tax exempt and focused on promoting the social welfare of the community. Some § 501(c)(4) organizations operate to bring about civic betterments and social improvements and do not qualify as § 501(c)(3) organizations because a substantial part of their activities may involve lobbying.

There are no restrictions under the Internal Revenue Code ("IRC") on the timing or amount of lobbying, whether direct or grassroots, in which § 501(c)(4) organizations may engage. Additionally, under the IRC, § 501(c)(4) organizations may engage in nonpartisan voter education activities, which enhance public awareness of social and political activities. Finally, the IRC permits § 501(c)(4) organizations to intervene in political campaigns so long as the organization is primarily engaged in other activities that promote social welfare.

Many § 501(c)(4) organizations, including ATA, advocate controversial positions, or at a minimum, positions that are not always held by a majority of elected officials. Rather than risk ostracism, harassment and public criticism that would result if they themselves took these positions, many citizens instead choose to contribute to organizations that share their views. These organizations, including ATA, use the pooled resources of their donors to educate, lobby and persuade members of the public and Congress to adopt certain positions. The importance of anonymity to donors is evidenced by ongoing litigation involving ATA. The Gray Davis Committee has sued ATA in California state court to force ATA to disclose the names of its donors because ATA ran television ads criticizing Governor Davis' energy policies more than eight months before the primary election. *The Governor Gray Davis Committee v. American Taxpayers Alliance*, No. A096658 (Cal. Ct. App. filed Feb. 28, 2002). To protect its donors' anonymity, as well as to avoid compelled disclosure of information which it is not required to disclose, ATA is vigorously litigating the case.

The NPRM affects non-profits in several critical ways. Clearly, the BCRA's requirements that § 501(c)(4) organizations disclose its donors of \$1,000 or more if they air electioneering communications will have a significant impact on non-profit organizations. Non-profits that choose to exercise their First Amendment rights before an election will see their donor bases shrink, and/or will see donors refusing to give more than \$1,000. Non-profits that receive donations from corporations to promote social welfare and better society will have to make a choice between continued receipt of these funds and speaking or lobbying on issues before an election.

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The NPRM also significantly affects the speech and activities of non-profits. If non-profits choose to air grass roots lobbying advertisements before an election, non-profits will have to structure their communications so that they are not targeted and, therefore, banned electioneering communications, thus significantly reducing the effectiveness of their ads in influencing the position of named Members of Congress, and their ability to educate and lobby the public.

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The reach of the definition of electioneering communication to ads run 30 or 60 days before an election significantly hampers ATA and other non-profits in their lobbying and education efforts, especially if Congress is still in session. The timing of ATA's speech and lobbying on these public issues is largely dictated by Congress. Assuming funds are available, ATA's issue advertisements are driven by whether the issue is being debated, about to be debated, or should be debated, by Congress. Therefore, to avoid being on the sidelines during an important debate in Congress before an upcoming election, ATA would be forced to dilute its speech to avoid it falling within the definition of "targeted."

In implementing these regulations, the Commission should take great care to ensure that the proposed rules do not take that power away from citizens and associations and instead place it in the hands of government bureaucrats. "In the free society ordained by our constitution, it is not the government, but the people – individually as citizens and candidates and collectively as associations and political committees – who must retain control over the quantity and range of debate on public issues in a political campaign." *Buckley v. Valeo*, 424 U.S. 1, 57 (1976). Consistent with the Constitution, the Commission should fashion regulations that permit non-profit organizations to retain as much freedom over their lobbying, speech, and activities as possible.

## II. Specific Comments on Proposed Regulations

These Proposed Regulations are lengthy and detailed, and for that reason, ATA will not attempt to comment on every issue raised in the NPRM. The BCRA, including the electioneering provision of the statute which the Commission is tasked with implementing, is currently being challenged in court, and therefore, ATA generally will not discuss the constitutionality of the BCRA. However, no implication should be drawn from its failure to comment on particular issues raised by the Commission, or its choice not to debate the Act's constitutionality. ATA submits these comments to aid the Commission in upholding its oath to the Constitution to implement regulations that are least offensive to the First Amendment and most protective of the rights of non-profit organizations to engage

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in free speech. ATA would welcome the opportunity to comment on, or expand upon, any of these issues at the hearing later this month.

### **What is an Electioneering Communication?**

#### **Definition of "Broadcast, Cable or Satellite Communication"**

ATA agrees that the legislative history of the BCRA indicates that this regulation should be limited to television and radio. ATA would urge the Commission to adopt a definition which is a traditional reading of television and radio, i.e., one that excludes simultaneous webcasts over the Internet, web TV and digital audio radio satellite.

#### **Definition of "Targeted to the Relevant Electorate"**

ATA again urges the Commission, in implementing a definition of "targeted to the relevant electorate," to adopt a definition that most protects non-profits' First Amendment rights. Therefore, ATA agrees with the Commission's approach in construing the term "person" as applying to natural persons residing in a given jurisdiction. Census information is one way to determine the number of natural persons residing in a given jurisdiction. A more narrow definition of person would include only registered voters or individuals eligible to serve on juries, and could also easily be measured.

Although cognizant of the difficulties of measuring 50,000 persons in a relevant area, ATA believes that the least offensive definition to its free speech rights must ensure that each natural person is counted only once and that persons from irrelevant electorates are not included within the total. To the greatest extent possible, any data obtained to measure 50,000 persons must exclude businesses, schools, organizations, and any other entity that is not a natural person. Any audience data obtained from the FCC must also be able to be segregated by congressional district or state. To ensure that each natural person is counted only once and in the proper district or state, ATA requests that the Commission not adopt an approach that would aggregate communications or which would aggregate recipients of the same communication from multiple outlets.

#### **Presidential Primary Candidates**

ATA urges the Commission to adopt the alternative interpretation of BCRA which removes communications that refer to a Presidential or Vice-Presidential candidate from the definition of targeted communication. However, assuming

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arguing the Commission does not adopt this interpretation, ATA concurs with the Commission's proposed definition of "publicly distributed" in Alternative 1-B to ensure that there is not a 240 day nationwide blackout on communications mentioning a Presidential candidate. This definition would have far less impact on fundamental First Amendment rights than the nationwide blackout.

## **What is Not an Electioneering Communication?**

### **Other Exceptions**

The exceptions listed in proposed 11 CFR 100.29(c)(1), (c)(5), (c)(6) and (c)(7) are a good start at ensuring that the Proposed Regulations are least offensive to the constitutional rights of non-profits. As noted above, Congress dictates when nonprofits air most ads. If Congress is in session 30 or 60 days before an election, non-profits are prevented from airing targeted grass roots lobbying ads that merely mention a federal candidate. To prevent such a significant infringement of non-profits' First Amendment rights, a broad exception for direct and grassroots lobbying ads should be included in the final rules.

In fashioning a necessary exemption for lobbying communications, the Commission should be mindful of the IRC definitions under which non-profits operate. Section 4911(d) of the IRC defines grassroots lobbying as any attempt to influence any legislation through an effort to affect the opinions of the general public or any segment thereof. A communication is treated as a grass roots lobbying communication only if the communication refers to specific legislation, reflects a view on such legislation, and encourages the recipient of the communication to take action with respect to such legislation. Reg § 56.4911-2(b)(2)(ii). A communication encourages a recipient to take action with respect to legislation if the communication (Reg § 56.4911-2(b)(2)(iii)): (1) states that the recipient should contact a legislator or an employee of a legislative body, or should contact any other government official or employee who may participate in the formulation of legislation (but only if the principal purpose of urging contact with the government official or employee is to influence legislation); (2) states the address, telephone number, or similar information of a legislator or an employee of a legislative body; (3) or specifically identifies one or more legislators who will vote on the legislation as: opposing the communication's view with respect to the legislation; being undecided with respect to the legislation; being the recipient's representative in the legislature; or being a member of the legislative committee that will consider the legislation.

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A communication may encourage the recipient to take action with respect to legislation, but it would not "directly" encourage such action under (3) above, if the communication does no more than identify one or more legislators who will vote on legislation and how they will vote. Reg § 56.4911-2(b)(2)(iv). A communication that encourages the recipient to take action with respect to legislation but that does not "directly" encourage the recipient to take such action may be within the exception for nonpartisan analysis, study or research. Reg § 56.4911-2(b)(3). With one exception, the grass roots definition of lobbying is also applicable to mass media communications. Reg § 56.4911-2(b)(5).<sup>2</sup>

Any communication that meets the IRC definition of grass roots lobbying should automatically be exempted from the definition of electioneering communication. However, because grass roots lobbying is any attempt to influence any legislation through an effort to affect the opinions of the general public or any segment thereof, the IRC's definition of lobbying should not be the only criterion in formulating an exception.

An exception that requires non-profits to meet all the requirements of the IRC's definition of grass roots lobbying would still exclude a substantial amount of speech that is intended to influence legislative outcomes rather than electoral outcomes. ATA, as well as other non-profits, frequently do grass roots lobbying ads to influence public opinion on general issues, rather than specific pending legislation. There are several reasons for this. First, there may be several competing pieces of legislation, none of which completely reflect the non-profit's position. Second, there may be proposals being bandied about, but none formally introduced. Third, a non-profit may want to air an ad that generally discusses a Member's proposal, not yet formally introduced, regarding a particular issue. Fourth, a non-profit may not yet be ready to take a position on particular legislation

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<sup>2</sup> A communication is presumed to be grass roots lobbying if the communication is in the mass media within two weeks before a vote by a legislative body, or by a legislative committee, on a highly publicized piece of legislation, if the communication reflects a view on the general subject of the legislation or encourages the public to communicate with legislators on the general subject of the legislation. Reg § 56.4911-2(b)(5)(ii). The organization can rebut the presumption by demonstrating that the communication is a type of communication regularly made by the organization in the mass media without regard to the timing of legislation or that the timing of the communication was unrelated to the upcoming legislative action. Reg § 56.4911-2(b)(5).

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but may want to lobby generally on the issue. The exception should not be so narrowly drawn that it would force non-profits to take a stand on one particular piece of legislation, and prohibit them from lobbying the public generally on an issue. For example, a non-profit should be able to air ads on the prescription drug issue without being forced to take a position on a specific piece of legislation merely to fall within a narrowly drafted exception. Because of the way in which the political process works, with multiple pieces of legislation introduced and numerous amendments offered, many non-profits have found that sometimes it is easier and more effective to educate and lobby generally on the issue and let the viewer, armed with this knowledge, decide how best to lobby, rather than try to address specific bills. Therefore, any exception the Commission adopts should not rigidly require that ads mention a specific piece of legislation and contain a telephone number.

Whatever exceptions the Commission creates, the Commission must avoid drafting ambiguous exceptions that place the power in the hands of bureaucrats to determine whether a communication is issue advocacy or a so-called "sham issue ad." Furthermore, any exception must permit non-profits to determine at the outset whether their proposed communications fall outside the definition of electioneering communication.

#### **Who May Not Make or Fund Electioneering Communications?**

##### **Effect of the Snowe-Jeffords and Wellstone Amendments on 501(c)(4) and 527 Organizations**

Although not set out in the proposed rules, the Commission seeks comment on an alternative interpretation of BCRA which would remove communications that refer to a candidate for the office of President or Vice-President from the definition of "targeted communication." This interpretation is supported by § 441b(c)(6)(B), and, because such an interpretation would construe and implement BCRA in a way least likely to raise constitutional concerns, and in fact, would remove some constitutional issues, the Commission should adopt it.

#### **Are Amounts Given to Persons Making Electioneering Communication Contributions?**

ATA agrees with the Commission's approach in the Proposed Regulations in not treating donations to persons that are not political committees as contributions. Non-profits, particularly § 501(c)(4) organizations, donations to which are not tax deductible, already face multiple difficulties in raising money and should not be required to assume PAC-like limitations as well. As the Wellstone Amendment

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effectively nullifies any exception to the ban on non-profit targeted electioneering communications 30 or 60 days before an election, there is no compelling need to impose contribution limits on non-profits.

#### **When Must Electioneering Communications Be Reported?**

**Does the \$10,000 Reporting Threshold Include the Direct Costs of Both Producing and Airing Electioneering Communications, or Does It Include Only One or the Other?**

BCRA defines "disclosure date" as the date on which the direct costs of producing or airing exceed \$10,000. 2 U.S.C. 434(f)(1). Thus, the final rules should not aggregate the direct costs of producing and airing, but rather, require reporting only when the direct costs of producing or airing exceed \$10,000. This interpretation is supported by the definition of "or." Black's Law Dictionary defines "or," in part, as a "disjunctive particle used to express an alternative or to give a choice of one among two or more things." Black's Law Dictionary 756 (abridged 6th ed. 1991). This meaning of "or" as a connector of alternative choices has been interpreted by courts disjunctively. See *Kustom Signals, Inc. v. Applied Concepts, Inc.*, 995 F. Supp. 1229, 1236 (D. Kansas 1998); *Hull v. State Farm Mutual Automobile Insurance Co.*, 586 N.W.2d 863, 867 (Wis. 1998); *State v. Bolar*, 917 P.2d 125 (Wash. 1996); *Beauregard-Bezou v. Pierce*, 487 N.W.2d 792, 795 (Mich. Ct. App. 1992). Presumably, Congress knew this and if it had intended to use "and," it would have done so.

**Must Reports Be Filed When the Disbursements Exceed the Threshold, or When the Electioneering Communication is Aired?**

BCRA's sponsors have explained that the electioneering communications provisions are designed to ensure that campaign advertisements do not circumvent FECA's prohibition on the use of union and corporate treasury funds in connection with Federal elections, which prohibition is to prevent corruption and its appearance.

The Commission notes several practical difficulties, as well as potential constitutional issues with compelling disclosure of potential electioneering communications before they are finalized and aired. These difficulties and issues are real, but do not even need to be addressed because there is no justification for requiring reports to be filed at any time other than when the communication is aired. Until the communication airs, there can be no corruption or the appearance

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of corruption, and therefore, no compelling governmental interest. Until a corporation or union airs the communication, they cannot "corrupt" the political system. Therefore, reports should not be required to be filed until after the advertisement has aired. Such an approach would be carefully circumscribed to reach no more speech than necessary.

### **What Information Must Be Reported About Electioneering Communications?**

The Commission has proposed to require the identification of any person sharing or exercising direction or control over the activities of the person making the disbursement. ATA believes that this provision is unnecessary, intrusive and burdensome. Proposed § 114.14 already restricts corporations or labor organizations from providing funds to another to pay for an electioneering communication, and the proposed regulations also require disclosure of all donors of over \$1,000.

Although this information is not required of political committees or other organizations making independent or coordinated expenditures, the Commission has proposed to delve into the decisionmaking processes of non-profits and require them to disclose confidential strategic information by requiring under proposed § 114.14 that the name of any officer, director, employee, volunteer, or donor that shares or exercises direction or control over the activities of the non-profit making the disbursement be disclosed. Competitors and opponents will be able to see who makes the non-profit's decisions. Not only is this requirement incredibly burdensome by requiring non-profits to keep track of every individual who participates in decisionmaking, it is intrusive and serves no compelling purpose. It will further harm non-profits by eroding individual involvement in non-profit activities. Individuals who do not want their names disclosed if they donate more than \$1,000, will be even further dissuaded from becoming involved with a non-profit if they know that their volunteering will be disclosed. Therefore, ATA urges the Commission to except non-profit corporations from this requirement.

### **III. Conclusion**

Although the Commission is constrained to implement the BCRA, there exist opportunities for the Commission to exercise its discretion and remove some of the constitutional deficiencies of the Act. While portions of the BCRA will chill free speech and association, the Act should be implemented in a way that is least

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offensive to the First Amendment rights of corporations, and in particular, non-profit organizations.

Respectfully submitted,

Heidi K. Abegg

Counsel for American  
Taxpayers Alliance

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August 29, 2002

Via E-Mail (letter only), Fax and Hand Delivery

Ms. Mai T. Dinh  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Electioneering Communications

Dear Ms. Dinh:

American Taxpayers Alliance ("ATA") submits through counsel, the following supplemental comments, in response to a request by Chairman Mason, on the Notice of Proposed Rulemaking, 67 Fed. Reg. 51131 (August 7, 2002), to implement certain provisions of the Federal Election Campaign Act of 1971 as amended ("FECA"), as further amended by the Bipartisan Campaign Reform Act of 2002, P.L. 107-55 ("BCRA").

ATA would like to reiterate that in supplementing its testimony, it is not conceding that any of the proposed regulations addressed, or the statutory provisions underlying them, are constitutional. ATA strongly believes that many provisions of the BCRA unconstitutionally regulate protected speech, including direct and grassroots lobbying and issue advocacy, and are not justified by any compelling governmental interest. However, ATA would like to help the Commission implement the BCRA in a manner that is least offensive to the First Amendment and that least infringes upon the rights of non-profit organizations to engage in constitutionally protected speech.

Due to time constraints, ATA is unable to provide more than the enclosed examples of ATA's grassroots issue advertisements, as requested by Chairman Mason. The first three attachments are copies of scripts of television advertisements run in California during the Summer of 2001 in California. The

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third attachment is a copy of the script for a television advertisement run in May 2002 in several different states by American Seniors, a project of ATA. All four are typical examples of ATA's grassroots issue advocacy.

ATA would also like to clarify a response given to a question by Mr. James Pehrkon. Mr. Pehrkon asked how many reports ATA thought it would need to file, to which counsel guessed about fifty. ATA conservatively estimates that, depending upon whether the Commission requires reporting of single advertisements or requires aggregation of advertisements run on different stations or networks, it might be required to file as many as seventy-five reports in a sixty day period.

Respectfully submitted,

Heidi K. Abegg

Counsel for American  
Taxpayers Alliance

**EXHIBIT I**

ARTHUR L. HEROLD  
ALAN P. DYE  
EDWARD D. COLEMAN  
JAY M. ROTZ  
FRANK M. NORTHAM  
JOHN W. HAZARD, JR.  
HUGH K. WEBSTER  
DAVID P. GOCH  
CHARLES M. WATKINS  
HEIDI K. ABEIG  
DAVID M. ABRAHAM  
JOHN R. STROUT  
JAMES E. WILSON, JR.

**October 1, 2007**

In the NPRM, the Commission seeks comment on two proposed alternative ways to implement the *WRTL II* decision. In implementing the decision, the Commission must exercise its discretion, whenever possible, and promulgate only regulations within Constitutional limits. As officials of the executive branch who have independently taken an oath to uphold the

Comments of ATA and ALG

October 1, 2007

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introduced. Third, a non-profit may want to air an ad that generally discusses a Member's proposal, not yet formally introduced, regarding a particular issue. Fourth, a non-profit may not yet be ready to take a position on particular legislation but may want to lobby generally on the issue. Because of the way in which the political process works, with multiple pieces of legislation introduced and numerous amendments offered, many non-profits have found that sometimes it is easier and more effective to educate and lobby generally on the issue and let the viewer, armed with this knowledge, decide how best to lobby, rather than try to address specific bills. Therefore, any safe harbor the Commission adopts should not rigidly require that ads mention a specific piece of legislation.

### III. Conclusion

The Supreme Court's decision should be implemented in a way that is least offensive to the First Amendment rights of corporations, and in particular, non-profit organizations. Whatever safe harbors the Commission adopts, the Commission must avoid drafting ambiguous exceptions that place the power in the hands of bureaucrats to determine whether a communication is issue advocacy or unambiguously campaign related. Furthermore, any safe harbor must give non-profits autonomy over their speech, permit them to determine at the outset whether their proposed communications fall outside the definition of electioneering communication, and most important, allow them to hold our government officials accountable for their actions in office.

Respectfully submitted,

  
Heidi K. Abegg

Counsel for American  
Taxpayers Alliance

and

Americans for Limited  
Government

**EXHIBIT J**



**Exempt Organizations Select Check****Exem****Automatic Revocation of Exemption Information**

The federal tax exemption of this organization was automatically revoked for its failure to file a Form 990-series return or notice for below for each organization is *historical*; it is current as of the organization's effective date of automatic revocation. The information does this automatic revocation necessarily reflect the organization's tax-exempt or non-exempt status. The organization may have been recognized by the IRS as tax-exempt *after* its effective date of automatic revocation. To check whether an organization is currently a Customer Account Services at (877) 829-5500 (toll-free number).

**Revocation Date (effective date on which organization's tax exemption was automatically revoked):**  
15-May-2010

**Employer Identification Number (EIN):**  
52-2013385

**Legal Name:**  
AMERICAN TAXPAYERS ALLIANCE

**Doing Business As:**

**Mailing Address:**  
1747 PENNSYLVANIA AVE NW STE 1000  
WASHINGTON, DC 20006-4636  
United States

**Exemption Type:**  
501(c)(4)

**Revocation Posting Date (date on which IRS posted notice of automatic revocation on IRS.gov):**  
09-Jun-2011

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**EXHIBIT K**

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## Illinois high court ads could be headed to U.S. Supreme Court

NOVEMBER 06, 2002 12:00 AM • ASSOCIATED PRESS

SPRINGFIELD, Ill. -- A television ad campaign that heated up an otherwise low-key Illinois Supreme Court race could become a test case on election disclosure law.

The State Board of Elections authorized a public hearing Monday on a complaint about ads critical of Democrat Sue Myerscough that were financed by the Washington-based American Taxpayers Alliance.

The alliance spent \$250,000 on ads that accuse Myerscough of "questionable calls" and rulings that were later overturned. Myerscough faces Supreme Court Justice Rita Garman, a Republican, in Tuesday's election.

Dan White, assistant director of the elections board, said the case ultimately could go to the U.S. Supreme Court for a ruling that would set a standard for issue-oriented ads.

The dispute involves whether the American Taxpayer Alliance should be required to register as a political committee under Illinois election law.

State law requires campaign groups that support or oppose a candidate to register. They are then required to disclose finances, including donors and spending.

Groups that address issues, without endorsing or opposing a candidate, are not required to register.

White said the taxpayer alliance argues its ads present issues, without taking sides.

Myerscough and Sangamon County Democratic Party Chairman Patrick "Tim" Timoney, who filed the complaint, allege the ads oppose Myerscough and support Garman.

Myerscough said voters deserve to know "exactly who is trying to influence" the race. Garman has said she was unaware of the ads and did not authorize them.

White said no date has been set for the public hearing, which will allow each side to present its arguments to the board. The board will then rule, he said, setting the stage for appeals that could take the case to the U.S. Supreme Court.